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REPORT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

SECURITY COUNCIL
Fifty-fourth year

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the sixth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of its statute (see S/25704 and Corr.1, annex) which states:

> "The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly."

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LETTER OF TRANSMITTAL

2 August 1999

Excellencies,

I have the honour to submit the sixth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 31 July 1999, to the Security Council and the General Assembly, pursuant to article 34 of the Statute of the Tribunal.

Accept, Excellencies, the renewed assurances of my highest consideration.

(Signed) Gabrielle Kirk McDONALD
President

President of the General Assembly
United Nations
New York, N.Y. 10017
USA

President of the Security Council
United Nations
New York, N.Y. 10017
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SIXTH ANNUAL REPORT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

SUMMARY

The sixth annual report of the International Tribunal for the Former Yugoslavia covers the activities of the Tribunal during the period from 28 July 1998 to 31 July 1999. During the reporting period the Tribunal has become a fully functioning international criminal court, providing fair trials to the accused, while maintaining a high degree of protection for victims and witnesses. Nevertheless, recent events in Kosovo, and continuing non-compliance by several States in the region, continue to pose barriers to the operations of the Tribunal.

On 16 November 1998, three new judges assumed office and consequently a third Trial Chamber became operational. All three Trial Chambers and the Appeals Chamber are seized of cases. Three judgements were delivered during the reporting period and nine cases, involving 22 accused, are in the trial or pre-trial stages. One case was completed at the end of the reporting period and is awaiting judgement. The Appeals Chamber considered 15 interlocutory appeals, one appeal under rule 77 against a finding of contempt and four appeals on the merits during the reporting period. There are 28 detainees in the Detention Unit.

Events in Kosovo dominated the work of the Prosecutor during the reporting period and the situation in that region was compounded by the refusal of the Federal Republic of Yugoslavia to allow investigators from the Tribunal access to potential crime scenes. Slobodan Miloševič, the President of the Federal Republic of Yugoslavia, and four others were indicted for crimes against humanity in Kosovo on 22 May 1999.

The Tribunal enjoyed a high degree of administrative support for its expansion efforts from the Registry. An Outreach Programme was established to better inform the people of the former Yugoslavia of the Tribunal's work in the local languages and to combat disinformation regarding the Tribunal's record.

Notwithstanding these accomplishments, 35 individuals named in public indictments remain at large, many in the territory of the former Yugoslavia. Certain States and entities in the region, such as the Federal Republic of Yugoslavia, the Republic of Croatia and the Republika Srpska, continue to obstruct the Tribunal in carrying out its mandate. Moreover, because the Tribunal lacks effective enforcement powers to remedy such obstructionism, it continues to rely on the international community to bring such States into compliance with their clear obligations under international law.

In the face of such problems, however, the Tribunal's development and success may be measured on three levels. First, the development of the Tribunal as an institution has exceeded expectations. Secondly, the Tribunal has laid the foundation for the establishment of a practical and permanent system of international criminal justice. Thirdly, the Tribunal is beginning to have an impact on the former Yugoslavia.

Events in Kosovo demonstrate the continuing need to ensure a high degree of vigilance to combat the forces of evil, which have made the twentieth century so devastating to so many people and regions. The international community has demonstrated an unprecedented level of support to the work of the Tribunal. In the wake of the Kosovo crisis, now is not the time for complacency, but rather a time for a renewed effort to ensure that the work of the Tribunal continues to play an important role in maintaining international peace and security in the region and in the rebuilding of civil society, under the rule of law, in the former Yugoslavia.

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I. INTRODUCTION

1. The present annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, its sixth, covers the period from 28 July 1998 to 31 July 1999 and describes in detail the Tribunal's activities during that period.

2. The reporting period was characterized by the full development of the Tribunal into a functioning judicial institution. With the inauguration of the three new judges in November 1998, the Tribunal is now comprised of three Trial Chambers and the Appeals Chamber, all of which are seized with cases. The Tribunal currently has a budget of nearly $100 million and employs more than 700 staff members. At the close of the reporting period, three cases were in trial and seven cases were at the pre-trial stage. Additionally, the Tribunal rendered three judgements with an additional case awaiting judgement, and there are four cases on appeal. In total, 28 detainees are currently in custody in the Detention Unit.

3. The Registry continued providing support to the Tribunal's other organs and successfully oversaw the expansion of the Tribunal's resources. An Outreach Programme was designed to enable the Tribunal to better inform the people of the former Yugoslavia of its work in the local languages and to combat distortion of the Tribunal's record.

4. Events in Kosovo dominated the work of the Prosecutor during the reporting period. Violence in Kosovo and the continuing refusal of the Federal Republic of Yugoslavia to permit Tribunal investigators into that region slowed the investigation of potential crimes within the Tribunal's jurisdiction committed there. Non-compliance by the Federal Republic of Yugoslavia with respect to its obligations to assist the Tribunal in carrying out its mandate hindered the Office of the Prosecutor in fulfilling several Security Council resolutions, as reported to the Security Council on several occasions by President McDonald. Notwithstanding the refusal of the Federal Republic of Yugoslavia to cooperate with the Prosecutor's investigations involving events in Kosovo and despite the airstrikes of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia which commenced on 24 March 1999, it was possible for the Prosecutor to continue with the investigations, which resulted in an indictment being issued against Slobodan Milošević and four others for crimes against humanity on 22 May 1999.

5. Apart from these accomplishments, 35 individuals named in public indictments still remain at large, most in the territory of the former Yugoslavia. Despite the best efforts of the Tribunal, certain States and entities, principally the Federal Republic of Yugoslavia, the Republic of Croatia and the Republika Srpska, continue to obstruct the Tribunal in carrying out its mandate. Yet, as President McDonald has repeatedly stressed to the Security Council when reporting on State non-compliance, the Tribunal lacks the effective enforcement powers that would allow it to remedy such intransigence. It is wholly dependent on the international community to bring recalcitrant States into compliance with their legal obligations. In this regard, the NATO-

led Stabilization Force (SFOR) in Bosnia and Herzegovina has continued to detain indictees and it is likely that such detentions will continue in the face of continuing non-cooperation of the Republika Srpska.

6. With respect to the non-compliance of the Federal Republic of Yugoslavia, the President and the Prosecutor repeatedly warned the international community of the dangers of tolerating such obstructionism. However, while a more active posture was adopted during the second half of the reporting period and the Tribunal has begun to receive active and very significant assistance from certain States, the international community's failure to address this non-compliance contributed to the destabilization within the region. A sustained and vigorous determination from the international community to act early and comprehensively is necessary, therefore, to ensure the success of long-term reconstruction efforts. The Tribunal is perhaps the most critical of these efforts: real peace is achieved through justice, not without it.

7. Thus, while the Tribunal has achieved the goal of becoming a working international criminal court, it remains to be seen whether the international community can maintain its commitment to the process. What has been accomplished must not be lost. With the successful conclusion of the Statute of the International Criminal Court in July 1998, the course is set for the establishment of a permanent International Criminal Court. The Tribunal has been instrumental in demonstrating that international criminal law is not simply a matter of theory. Indeed, the role that the Tribunal has played in the international community's response to events in Kosovo confirms that it is capable of operating and achieving results on a real-time basis, as events are ongoing. This is a very significant step in the quest for the establishment of a fully functioning global legal system.

II. THE CHAMBERS

A. Composition of the Chambers

8. Three new judges, who were elected on 20 May 1998, assumed office on 16 November 1998 and are now fully engaged in the operations of the Chambers.

9. The composition of the Chambers, comprising three Trial Chambers and an Appeals Chamber, is as follows: Judge Gabrielle Kirk McDonald (United States of America) (President), Judge Mohamed Shahabuddeen (Guyana) (Vice-President), Judge Antonio Cassese (Italy), Judge Claude Jorda (France), Judge Richard George May (United Kingdom of Great Britain and Northern Ireland), Judge Lal Chand Vohrah (Malaysia), Judge Fouad Abdel-Moneim Riad (Egypt), Judge Wang Tieya (China), Judge Rafael Nieto-Navia (Colombia), Judge Florence Ndepele Mwachande Mumba (Zambia), Judge Almiro Simões Rodrigues (Portugal), Judge David Anthony Hunt (Australia), Judge Mohamed Bennouna (Morocco) and Judge Patrick Lipton Robinson (Jamaica).

10. With the completion of the Čelebići trial on 16 November 1998, the terms of Judge Adolphus Karibi-Whyte, Judge Elizabeth Odio-Benito and Judge Saad Jan ended.

B. Main activities of the Chambers

11. The judicial activity of the Chambers of the Tribunal comprises trials, appellate proceedings (appeals, interlocutory appeals and State requests for review), proceedings pertaining to the exercise of the primacy of the Tribunal (rules 7bis, 9, 10, 11, 13 of the Tribunal's Rules of Procedure and Evidence (the "Rules")) as well as contempt proceedings pursuant to rule 77. Furthermore, the judicial activity of the Chambers involves reviewing indictments submitted by the Prosecutor, issuing arrest warrants and conducting hearings pursuant to rule 61, which provides for additional proceedings in the case of unexecuted indictments. During the current reporting period, no rule 61 hearings have been conducted. The Chambers also engage in regulatory activities to improve procedures for ensuring that trials are both fair and expeditious. Such regulatory activities include amendments to the Rules and other Tribunal rules, regulations and directives.

12. With the installation of the three new judges on 16 November 1998, it has been possible to establish a third Trial Chamber, enabling the Tribunal to provide more expeditious trials. All three Trial Chambers are seized of cases, as the following chart[1] indicates:

Trial Chamber I	Trial Chamber II	Trial Chamber III
Blaškić	Kupreškić and Others	Kordić and Čerkez
Jelisić	Kunarac	Kvočka and Others
Krstić	Krnojelac	Simić and Others
	Brđanin	Kolundžija

13. The Tribunal's judges are concerned about the length of time many of the trials and other proceedings are taking to complete. Since the accused is generally in custody from the time of his arrest or voluntary surrender until the final disposition of his case, long trials result in lengthy periods of detention for the accused and also affect other accused in custody awaiting trial. There are a number of causes for the length of trials and other proceedings. The Tribunal's cases involve complex legal and factual issues, as well as the application of legal principles that have not previously been interpreted or applied. Moreover, unlike the Nürnberg and Tokyo trials, a great deal of reliance is placed on the testimony of witnesses rather than on affidavits, and the Tribunal is committed to ensuring that the rights of the accused are fully respected in accordance with contemporary human rights norms.

14. The judges have taken a number of steps to reduce the length of trials. These include adopting amendments to the Rules in July 1998, which provide for active pre-trial management of pending cases and strengthening the ability of the Trial Chambers to control trial proceedings. Provision has been made for a pre-trial judge and frequent status conferences designed to expedite the proceedings. Moreover, the Rules now also provide additional trial management

tools for the judges, including limiting cross-examination to the scope of direct examination and providing for the admission of affidavits in certain instances. The President has established a Trial Practices Working Group, composed of representatives from the Chambers, the Office of the Prosecutor and Defence Counsel, to assess the impact of the new Rules and to make recommendations on further steps, if necessary, to expedite the proceedings. This Working Group will report later in 1999 on its findings. The Chambers are also seeking additional staff in the Tribunal's 2000 budget to assist the judges in their work, which should reduce the judges' individual workload and thus have a positive impact on the length of trials.

15. The full impact of these steps is just beginning to be realized, as the new Rules have only been able to be fully utilized in new cases and the staffing resources have not yet been approved. In this regard, it should be noted that the third Trial Chamber did not begin work until November 1998, so that the Chambers have only been operating at full capacity for a portion of the reporting period. The judges will continue to monitor this situation closely and are committed to reducing the length of the proceedings and the amount of time accused persons spend in detention.

1. Trials

16. During the reporting period, judgements were delivered in three cases: Čelebići,[2] Furundžija[3] and Aleksovski.[4] Nine cases, involving 22 accused, are in the trial or pre-trial stages. The three cases in trial are: Kupreškić and Others,[5] Kordić and Čerkez[6] and Jelisić.[7] Arguments in the Blaškić case[8] have been completed and the parties are awaiting judgement. The following cases are in various stages of pre-trial preparation: Simić and Others,[9] Kvočka and Others,[10] Kunarac,[11] Krnojelac,[12] Krstić,[13] Kolundžija[14] and Brđanin.[15] The Kovačević[16] case was discontinued prior to the entry of judgement, owing to the death of the accused on 1 August 1998.

(a) Čelebići trial

17. The joint trial of Zejnil Delalić, Zdravko Mucić, Hazim Delić and Esad Landžo for various offences allegedly committed at the Čelebići detention camp in central Bosnia in 1992 commenced on 10 March 1997, before Trial Chamber IIquater (Judge Karibi-Whyte, presiding, Judge Odio-Benito and Judge Jan), in relation to charges of, inter alia, killing, torture, sexual assault, inhumane conditions and unlawful confinement of civilians, and came to a close on 15 October 1998. During that period the Trial Chamber heard the testimony of 122 witnesses, received 691 exhibits and rendered numerous decisions and orders on the various motions filed by both the Prosecution and the Defence for the four accused persons. Furthermore, several interlocutory appeals were filed by the parties before the Appeals Chamber.

18. The unanimous judgement, the first involving multiple accused to be rendered by the Tribunal, was handed down on 16 November 1998. In its judgement, the Trial Chamber pronounced on a number of important issues concerning the interpretation and application of international humanitarian law. With respect to the preliminary issues of the applicability of article 2 of the

Statute of the Tribunal and the grave breaches regime laid down in the Geneva Conventions of 1949, the Trial Chamber held that an "international armed conflict existed in Bosnia and Herzegovina" and that the victims of the alleged offences were "protected persons" within the meaning of the Geneva Conventions.

19. The Trial Chamber also pronounced upon the concept of command responsibility, the first decision by an international judicial body on that doctrine since the cases decided in the wake of the Second World War. The Trial Chamber concluded that the doctrine of command responsibility encompassed both military and civilian superiors on the basis of de jure as well as de facto positions of authority. In addition, the Trial Chamber made for the first time the important finding that in certain circumstances acts of rape may constitute torture under international humanitarian law.

20. In its verdict, the Trial Chamber found Zejnil Delalić not guilty of all charges, which related principally to his alleged command over the Čelebići camp. Accordingly, the Trial Chamber ordered his immediate release.

21. The three other accused, Zdravko Mucić, Hazim Delić and Esad Landžo, were found guilty of various charges of grave breaches of the Geneva Conventions of 1949 and violations of the laws or customs of war. Zdravko Mucić was found guilty with regard to 11 counts in his capacity as a superior for the underlying crimes of murder, torture, causing great suffering or serious injury, and inhumane acts. He was also found guilty for his direct participation in the crime of unlawful confinement of civilians in inhumane conditions. The Trial Chamber imposed 11 concurrent sentences of seven years' imprisonment.

22. The Trial Chamber found Hazim Delić to have been "instrumental in creating an atmosphere of terror by his actions and his threats to and humiliation of the detainees" in the Čelebići camp. He was held responsible for 11 counts of murder, torture, rape, causing great suffering or serious injury and inhumane acts and a number of concurrent sentences were imposed by the Trial Chamber, the maximum being 20 years' imprisonment for murder and wilful killing.

23. In dismissing Esad Landžo's defence of diminished responsibility, the Trial Chamber found him guilty of murders, wilful killings, torture, cruel treatment and causing great suffering or serious injury. Accordingly, the Trial Chamber imposed several concurrent sentences, the maximum of 15 years' imprisonment being for the crimes of murder and wilful killing. In imposing the sentences, the Trial Chamber noted certain mitigating factors such as his young age at the relevant time and his impressionability and immaturity.

24. All parties to the case have appealed various portions of the judgement.

(b) Furundžija trial

25. The amended indictment against Anto Furundžija alleged that he was the local commander of a special unit of the military police of the Croatian Defence Council (HVO) known as the "Jokers". In this capacity he was present during the interrogation of witness A by a soldier under his command. During the course of the questioning, Anto Furundžija failed to intervene while witness A was subjected for an extended period of time to various threats and acts of

violence, including being forced to have sexual intercourse with the other soldier. On that basis, Anto Furundžija was charged with two counts of violations of the laws or customs of war (torture and outrages upon personal dignity including rape). The trial proceedings, which were conducted before Trial Chamber II (Judge Mumba presiding, Judge Cassese and Judge May), commenced on 8 June and concluded on 22 June 1998, with the judgement reserved to a later date. Subsequently, upon a Defence motion, the Trial Chamber ordered that the proceedings be reopened. The reopened proceedings covered a period of four days and the hearing was eventually closed on 12 November 1998. The Trial Chamber granted a number of protective measures for the witnesses and victims in the case.

26. The Trial Chamber unanimously found Anto Furundžija guilty as charged. In holding him criminally responsible as a co-perpetrator of torture and for aiding and abetting in outrages upon personal dignity, including rape, the Trial Chamber made several important findings. For instance, the Trial Chamber concluded, after having examined the evidence presented by the various expert witnesses, that witness A's memory regarding material aspects of the relevant events had not been affected by any psychological disorder she may have had as the result of her traumatic experience. In addition, the Trial Chamber adopted a strict definition of both torture and rape under international humanitarian law.

27. Having found Anto Furundžija guilty as a co-perpetrator of torture and of aiding and abetting in outrages upon personal dignity, including rape, the Trial Chamber imposed two concurrent sentences of 10 and 8 years' imprisonment respectively.

28. Anto Furundžija has appealed against the judgement.

(c) Aleksovski trial

29. Zlatko Aleksovski was charged on 10 November 1995 with two counts of grave breaches of the 1949 Geneva Conventions and one count of violating the laws or customs of war for the unlawful treatment of Bosnian Muslim detainees in his capacity as commander of the detention facility at Kaonik in central Bosnia. Five other accused were originally charged in the same indictment, including three - Tihomir Blaškić, Dario Kordić and Mario Čerkez - who are currently standing trial.[17]

30. According to the indictment, many of the detainees under the accused's control were subjected to inhumane treatment, including excessive and cruel interrogation, physical and psychological harm, forced labour in hazardous conditions and being used as "human shields", and some of the detainees were murdered or otherwise killed.

31. The trial commenced on 6 January 1998, before Trial Chamber Ibis (Judge Rodrigues presiding, Judge Vohrah and Judge Nieto-Navia). Thirty-eight witnesses appeared for the Prosecution and 26 for the Defence. The Prosecution introduced 139 exhibits and the Defence presented 37 exhibits. The trial ended on 23 March 1999. In addition it may be noted that the Trial Chamber during the course of the trial initiated contempt proceedings against a Defence Counsel

acting in another case, which resulted in a finding of contempt of the Tribunal on 11 December 1998. The decision is currently under appeal and a hearing before the Appeals Chamber is expected to be held in September 1999.

32. The judgement was pronounced on 7 May 1999. A majority of the Trial Chamber found that the Prosecution had failed to prove that the victims were protected persons within the meaning of the 1949 Geneva Conventions and that, therefore, article 2 of the Statute did not apply. As a legal consequence of that finding, the Trial Chamber held the accused not guilty of the two counts relying on article 2 of the Statute (grave breaches of the 1949 Geneva Conventions). The Trial Chamber found the accused guilty both as an individual participant pursuant to article 7, paragraph 1, of the Statute, and as commander pursuant to article 7, paragraph 3, of the Statute, of violating the laws or customs of war, namely outrages upon personal dignity. The Trial Chamber imposed a sentence of two years and six months' confinement.

33. In accordance with sub-rule 101(D) of the Rules, the Trial Chamber determined that the accused was entitled to credit for the 2 years, 10 months and 29 days served in pre-trial detention. Consequently, the Trial Chamber ordered his immediate release, notwithstanding any appeal.

34. Both parties have appealed against the judgement.

(d) Blaškić trial

35. The trial of General Tihomir Blaškić commenced on 24 June 1997 before Trial Chamber I (Judge Jorda presiding, Judge Riad and Judge Shahabuddeen). With the consent of the accused, Judge Riad was replaced, owing to illness, by Judge Rodrigues on 29 January 1999. General Blaškić is charged with grave breaches of the Geneva Conventions, violations of the laws or customs of war and crimes against humanity on the basis of his alleged responsibility as a superior in respect of the serious violations of international humanitarian law committed by members of the armed forces of the HVO against Bosnian Muslims in the area of central Bosnia during the period from May 1992 to January 1994.

36. The Trial Chamber was presented with a number of motions on substantive and procedural matters by both parties. In particular, it had to rule on a motion to dismiss at the end of the Prosecution's case-in-chief. The Trial Chamber, however, rejected the motion. It found that the motion could be granted only: (a) when, from a factual point of view, the Prosecution would have failed to provide evidence in respect of one of the charges; and (b) when, from a legal point of view, the Prosecution would have failed to show a prima facie case in support of its claims. Another important issue before the Trial Chamber was that of the protection of witnesses, and the Trial Chamber issued a number of safe-conduct orders in favour of defence witnesses. In addition, on 25 March 1999, the Trial Chamber decided proprio motu to call, pursuant to rule 98, a number of witnesses, including senior officials of the United Nations Protection Force (UNPROFOR), the European Community Monitoring Mission, the HVO and the Army of Bosnia and Herzegovina. Strict protective measures were granted for two of these witnesses and a videoconference was organized for one high-ranking officer at the request of his Government.

37. During trial 158 witnesses testified, including the accused himself. The proceedings were declared closed on 30 July 1999 with judgement reserved to a later date.

(e) Kupreškić and Others trial

38. The alleged ethnic cleansing of the village of Ahmići forms the background to the indictment against six accused: Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić and Vladimir Šantić, who are charged with violations of the laws and customs of war and crimes against humanity in respect of alleged crimes of persecutions on political, racial or religious grounds, murders, inhumane acts and cruel treatment.

39. The trial against the six accused, conducted before Trial Chamber II (Judge Cassese presiding, Judge May and Judge Mumba), commenced on 17 August 1998. So far, 151 witnesses have testified, including 10 witnesses who have been summoned by the Trial Chamber proprio motu and three of the accused.

40. The Trial Chamber has rendered a number of decisions on the various motions presented by the parties, including an order to conduct an on-site visit to the places described in the indictment (subsequently withdrawn for security reasons), on communication between the parties and their witnesses and on the application of the tu quoque principle in international humanitarian law. With regard to the latter decision, the Trial Chamber stated that "[international humanitarian law] does not lay down synallagmatic obligations, i.e. obligations based on reciprocity, but obligations erga omnes (or, in the case of treaty obligations, obligations erga omnes contractantes) which are designed to safeguard fundamental human values and therefore must be complied with regardless of the conduct of the other party or parties."

41. The trial is expected to continue until the end of 1999.

(f) Kordić and Čerkez trial

42. The trial of Dario Kordić and Mario Čerkez commenced on 12 April 1999 before the new Trial Chamber III (Judge May presiding, Judge Bennouna and Judge Robinson).[18] The amended indictment alleges that Dario Kordić was a key figure in the Bosnian Croat political leadership and that Mario Čerkez was the military commander of "HVO Vitez Brigade". It charges the two accused with 22 counts each for their alleged involvement in a "campaign of persecution and ethnic cleansing" against the Bosnian Muslim population in central Bosnia, on the basis of their direct participation in the acts as well as their responsibility as superiors, with crimes against humanity, grave breaches of the Geneva Conventions and violations of the laws or customs of war.

43. In the pre-trial stage, the Trial Chamber ruled on an extensive number of motions from both parties, deciding on various matters such as the form of the indictment, the jurisdiction of the Tribunal, the disclosure obligations of the Prosecution, the provisional release of the accused and requests for separate trials.

44. On 4 February 1999, the Trial Chamber granted an application by the Prosecution for an order to Croatia for the production of documents. Croatia has filed a request for review of that order pursuant to rule 108bis, which is currently pending before the Appeals Chamber. Other requests for binding orders have also been heard and dealt with by the Trial Chamber.

45. At the end of the reporting period, the Trial Chamber had heard 27 witnesses for the Prosecution.

(g) Jelisić trial

46. Goran Jelisić is charged in the second amended Brčko indictment with genocide, crimes against humanity and violations of the laws or customs of war for the killings and beatings of Muslim detainees. Pursuant to an agreement between the accused and the Prosecution, entitled "Agreed Factual Basis for Guilty Pleas to be Entered by Goran Jelisić", the accused changed his plea from not guilty to guilty in respect of all charges relating to crimes against humanity and violations of the laws or customs of war. The Defence rejected a proposal by the Trial Chamber that a separate finding of guilt be made in respect of these charges. The trial of the remaining single count of genocide, to which the accused pleaded not guilty, commenced before Trial Chamber I (Judge Jorda presiding, Judge Riad, and Judge Rodrigues) in November 1998. However, owing to the ill-health of Judge Riad, the trial proceedings were adjourned for a considerable period of time. They were scheduled to resume on 30 August 1999.

(h) Simić and Others case

47. Milan Simić, Miroslav Tadić, Simo Zarić and Stevan Todorović are jointly charged, with an additional accused Blagoje Simić, who is still at large, in the Bosanski Šamac indictment. Subsequent to two amendments, the indictment includes some 37 counts pertaining to alleged crimes of, inter alia, persecution on political, racial and religious grounds, unlawful deportation and transfer, murder, wilful killing, torture, rape, inhumane acts, cruel treatment and wilfully causing great suffering. The charges arise out of events which occurred between September 1991 and December 1993, mainly in the municipalities of Bosanski Šamac and Odžak.

48. Trial Chamber III (Judge Robinson presiding, Judge Bennouna and Judge Hunt) is seized of the case[19] and has rendered a number of pre-trial decisions on, inter alia, judicial notice of the character of the conflict, an alleged conflict of interest of one of the Defence Counsel and requests for the severance of counts and separate trials. Furthermore, the Trial Chamber has denied a request by Stevan Todorović for an evidentiary hearing on the allegedly illegal nature of his arrest and an application by Miroslav Tadić seeking provisional release. Both of these decisions have been appealed and the former is currently pending before the Appeals Chamber.

49. No date has been fixed for trial to commence.

(i) Kvočka and Others case

50. Subsequent to an amendment to the two indictments known as the Keraterm and Omarska indictments in October 1998, Miroslav Kvočka, Mladen Radić, Zoran Žigić and Miroslav Kos are all charged in a new single indictment in relation to events in the Keraterm, Omarska and Trnopolje detention camps. The four accused are now charged with crimes against humanity and violations of the laws and customs of war on the basis of, inter alia, alleged acts of murder, torture, sexual assault and rape, beatings, psychological abuse, humiliation and confinement in inhumane conditions.

51. Trial Chamber III (Judge May presiding, Judge Bennouna and Judge Robinson), which is seized of the case,[20] has rendered a number of pre-trial decisions concerning matters such as the protection of victims and witnesses, the provisional release of the accused, judicial notice of adjudicated facts, admission of certain documentary evidence, the form of the indictment and the jurisdiction of the Tribunal. The Trial Chamber is also considering a motion for the taking of deposition evidence in the pre-trial phase.

52. No date has yet been set for the commencement of the trial.

(j) Kunarac case

53. Following an amendment of the Foča indictment, Dragoljub Kunarac is charged with crimes against humanity and violations of the laws or customs of war for acts of torture, rape, outrages upon personal dignity, enslavement and plunder of private property with respect to events which allegedly took place in connection with the detention of women and children in the Partizan Sports Hall and the Kalinovik Primary School in the Foča and Kalinovik municipalities in Bosnia and Herzegovina. He is charged both on the basis of his direct participation and as a superior to the perpetrators of the alleged acts.

54. The case is currently at a pre-trial stage before Trial Chamber II (Judge Mumba presiding, Judge Cassese and Judge Hunt). No date has been set for trial to begin.

(k) Krnojelac case

55. Milorad Krnojelac is charged with grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war and crimes against humanity on the basis of, inter alia, wilful killing, murder, torture, cruel treatment, unlawful confinement of civilians, slavery and inhumane acts. The charges relate to events which allegedly took place in a prison facility called the Foča KP Dom in Bosnia and Herzegovina while Milorad Krnojelac was the commander and in a position of superior authority.

56. The case is currently in the pre-trial stage before Trial Chamber II (Judge Hunt presiding, Judge Cassese and Judge Mumba). No date has been set for trial to commence.

(l) Krstić case

57. The indictment against General Radislav Krstić, who was detained by SFOR on 2 December 1998, charges him with genocide, violations of the laws or customs of war and crimes against humanity in relation to events which took place during and after the fall of the United Nations-declared safe area of Srebrenica. At the initial appearance before Trial Chamber I (Judge Jorda presiding, Judge Riad and Judge Rodrigues), the accused pleaded not guilty to all charges.

58. Upon a Prosecution request, the Trial Chamber on 12 March 1999 issued a binding order to the Republika Srpska for the production of documents. Furthermore, on 6 May 1999, the Trial Chamber granted, in part, a defence motion challenging the form of the indictment, thereby ordering the Prosecution "to specify or clarify the indictment in respect of the points relating to the responsibility of the accused and his co-accused and to their share of responsibility".

59. No date has been set for trial to begin.

(m) Kolundžija case

60. Dragan Kolundžija is charged in the Keraterm indictment together with six other accused. He is charged with grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war and crimes against humanity, all in respect of events which allegedly took place in the Keraterm camp in the municipality of Prijedor from about 24 May to 30 August 1992. He is charged on the basis of both his own participation in the commission of the alleged crimes and superior responsibility.

61. A Prosecution application to join Dragan Kolundžija with the accused in the Kvočka and Others case by way of seeking leave to amend the two indictments was rejected by the reviewing judge on 6 July 1999, on the ground that such judge was not competent to consider, in ex parte proceedings pursuant to sub-rule 50(A) of the Rules, an application which in substance constituted a joinder motion.

62. At the initial appearance before Trial Chamber III (Judge May presiding, Judge Bennouna and Judge Robinson) on 13 July 1999, Dragan Kolundžija pleaded not guilty to all charges.

(n) Brđanin case

63. Radoslav Brđanin, who according to the indictment against him served at the relevant time as a member of the Crisis Staff of the Autonomous Region of Krajina and its successor the War Presidency, is charged with a crime against humanity for persecutions on political, racial or religious grounds, both as a superior and for his direct participation in the commission of the alleged offence. At his initial appearance before Trial Chamber II (Judge Cassese presiding, Judge Mumba and Judge Hunt) on 12 July 1999, he pleaded not guilty to all charges.

2. Appellate proceedings

(a) Interlocutory appeals

64. During the reporting period, 15 interlocutory appeals in the form of applications for leave to appeal pursuant to rule 73 of the Rules were brought before a Bench of three judges of the Appeals Chamber. Of these, one application was withdrawn, four applications (in the Aleksovski, Kupreškić and Others and Simić and Others cases) were granted by the Bench and subsequently heard by the full Appeals Chamber and two applications for leave to appeal are still undecided. In the case of the remaining eight applications, leave to appeal was denied by a Bench of three judges of the Appeals Chamber.

65. In addition, an appeal under rule 77 against a finding of contempt of the Tribunal by the Trial Chamber in the Aleksovski case was brought before a Bench of three judges of the Appeals Chamber.

(i) Aleksovski interlocutory appeal

66. As the trial of the accused was drawing to a close, the Prosecution filed an application for leave to appeal against two decisions of the Trial Chamber, by which the Trial Chamber had granted a Defence motion requesting the admission of further defence evidence and denied a Prosecution motion requesting the admission of further evidence in rebuttal. A Bench of three judges of the Appeals Chamber (Judge McDonald presiding, Judge Wang and Judge Hunt), on 18 December 1998, granted the Prosecution's application for leave to appeal, finding that the proposed appeal raised fundamental issues of equality of arms and the right to a fair trial for both the Prosecution and the Defence and that those issues were of general importance to the proceedings before the Tribunal.

67. With regard to the decision on the merits, the Appeals Chamber (Judge May presiding, Judge Wang, Judge Hunt, Judge Bennouna and Judge Robinson) on 4 February 1999, by a majority of four to one (Judge Robinson dissenting), refused the appeal relating to the decision on the Defence motion and allowed the appeal in respect of the decision on the Prosecution motion.

(ii) Kupreškić and Others interlocutory appeal

68. During the trial proceedings, a decision was taken, following a request by the Prosecution, to hear the testimony of certain witnesses for the Defence, in the absence of one of the sitting judges (owing to illness), by way of deposition. The Defence of one of the accused opposed that decision and brought an application for leave to appeal against it. The application for leave to appeal was granted by a Bench of the Appeals Chamber, (Judge Wang presiding, Judge Vohrah and Judge Nieto-Navia) on 12 March 1999, on the ground that the proposed appeal raised issues pertaining to the interpretation and application of certain procedural rules relating to, inter alia, the procedure to be followed when a judge was absent owing to illness and the taking of depositions.

69. The Appeals Chamber (Judge Vohrah presiding, Judge Wang, Judge Nieto-Navia, Judge Hunt and Judge Bennouna) rendered its decision on 15 July 1999. The Appeals Chamber found unanimously that the ruling to proceed by way of

deposition had not been taken in accordance with the requirement that such a decision might only be made by a Trial Chamber composed of three judges, as opposed to only two of the sitting judges. Furthermore, a majority of the Appeals Chamber held that it was contrary to the Rules to proceed by way of deposition in the circumstances of the case since the provision providing for the taking of deposition evidence was not intended to apply to a situation where the Trial Chamber was unable, owing to the illness of one of its members, to directly receive the testimony of the witnesses. Consequently, the appeal was allowed and the Trial Chamber was directed to hear the relevant defence witnesses, should the Appellant so request.

(iii) Simić and Others interlocutory appeals

70. The accused Miroslav Tadić sought leave to appeal against a decision of the Trial Chamber denying his application for provisional release. A Bench of three judges of the Appeals Chamber (Judge Shahabuddeen presiding, Judge Wang and Judge Nieto-Navia) granted the application for leave to appeal on 8 June 1999 on the ground it raised the issue of whether a Trial Chamber, having ordered that oral arguments be heard on a matter pending before it, might properly issue its decision on that matter solely on the basis of the written submissions of the parties. The Appeals Chamber (Judge McDonald presiding, Judge Shahabuddeen, Judge Wang, Judge Nieto-Navia and Judge Mumba) rendered its decision on 28 July 1999, allowing the appeal and ordering the Trial Chamber to hold an oral hearing on the request for provisional release.

71. Another of the accused, Stevan Todorović, appealed pursuant to rule 72 against a decision by the Trial Chamber denying him an evidentiary hearing concerning the circumstances surrounding his alleged unlawful abduction prior to his arrest and transfer to the Tribunal. The Appeals Chamber (Judge McDonald presiding, Judge Shahabuddeen, Judge Cassese, Judge Wang and Judge Nieto-Navia) on 18 May 1999 rejected the appeal on the ground that it was not properly seized of it and ordered that, should the accused wish to file an appeal before a Bench of three judges of the Appeals Chamber, pursuant to sub-rule 73(B) of the Rules, such an application should be filed no later than 25 May 1999.

72. An application for leave to appeal pursuant to sub-rule 73(B) was filed within the time limit and on 1 July 1999 a Bench of three judges of the Appeals Chamber (Judge McDonald presiding, Judge Shahabuddeen and Judge Cassese) granted leave to appeal on the issue of whether the Trial Chamber had erred in denying the Defence request for an evidentiary hearing and an order directing the Prosecution to afford discovery. Consequently, the appeal is pending before the Appeals Chamber (Judge McDonald presiding, Judge Shahabuddeen, Judge Cassese, Judge Wang and Judge Nieto-Navia).

(b) Appeals against judgements

73. During the reporting period, appeals against judgements have been brought before the Appeals Chamber in the Čelebići,[21] Furundžija[22] and Aleksovski[23] cases. Furthermore, the Appeals Chamber rendered judgement on appeal in the Tadić[24] case with the appeal against the sentencing judgement still pending.

(i) Tadić appeal

74. The Defence appealed against the judgement of 7 May 1997, in which Duško Tadić was found guilty of crimes against humanity and violations of the laws or customs of war, and the sentence of 14 July 1997, which imposed a number of concurrent sentences, the maximum being 20 years for a crime against humanity (persecution). The Prosecution lodged a cross-appeal against certain aspects of the judgement of 7 May 1997. The Defence also appealed against the Trial Chamber's sentencing judgement of 14 July 1997.

75. Following oral argument on 15 October 1998, the Appeals Chamber, (Judge Shahabuddeen presiding, Judge Cassese, Judge Wang, Judge Nieto-Navia and Judge Mumba) dismissed a defence motion seeking to have certain additional evidence admitted, on the ground that the preconditions for the admissibility of such evidence, namely that the additional evidence was not available at trial and that the interests of justice required the authorization of the presentation of such evidence, had not been met. The Appeals Chamber also initiated contempt proceedings against a former Defence Counsel, involving the hearing of a number of witnesses, which are ongoing.

76. From 19 to 22 April 1999, the Appeals Chamber heard the oral arguments of the parties in respect of the merits of the appeal, the cross-appeal and the appeal on the sentencing. The judgement on appeal was rendered on 15 July 1999.

77. In the judgement on appeal, the Appeals Chamber reversed the finding of the majority of the Trial Chamber with respect to the applicability of article 2 of the Statute. The Appeals Chamber held that the armed conflict in Bosnia and Herzegovina between the Bosnian Serb forces and the armed forces of the central authorities of Bosnia and Herzegovina was international in nature since the former acted as de facto organs of the Federal Republic of Yugoslavia. The Appeals Chamber also found that the victims of the offences were "protected persons" within the meaning of article 4 of Geneva Convention IV. Consequently, Tadić was found guilty on counts 8, 9, 12, 15, 21 and 32 of the indictment, of which he was acquitted by the Trial Chamber on the sole basis that article 2 of the Statute was not applicable.

78. Furthermore, the Appeals Chamber found that the Trial Chamber erred: (a) when it decided that it could not, on the evidence before it, be satisfied beyond a reasonable doubt that Duško Tadić had played any part in the killing of five men from the village of Jaskići; and (b) on the application of the doctrine of common purposes. As a result, the Appeals Chamber reversed the Trial Chamber's verdict in this respect and found Tadić guilty on counts 29, 30 and 31 of the indictment. The Appeals Chamber also deemed that it was justified to pronounce on three issues which had no direct bearing on the verdict in terms of article 25, paragraph 1, of the Statute, since those matters were of general significance for the Tribunal's jurisprudence. It held: (a) that an act carried out for the purely personal motives of the perpetrator could constitute a crime against humanity within the meaning of article 5 of the Statute; (b) that all crimes against humanity did not require discriminatory intent - such intent was an indispensable legal ingredient of the offence only with regard to those crimes for which it was expressly required, that is for the types of persecution crimes mentioned in article 5(h) of the Statute; and

(c) that a Trial Chamber might order, depending on the circumstances of the case at hand, the disclosure of Defence witness statements after examination-in-chief of the witness.

79. The sentencing phase, in relation to the certain counts on which Tadić was acquitted at trial but in respect of which the Appeals Chamber found him guilty, was deferred. A hearing of oral arguments on this matter was fixed for 30 August 1999. The Defence appeal against the Trial Chamber's sentencing judgement will be determined when a decision has been made as to the sentencing of the aforementioned counts.

(ii) Čelebići appeal

80. The judgement in the Čelebići case, rendered on 16 November 1998, has been appealed by three of the accused and by the Prosecution. In addition, in relation to the Prosecution appeal against the acquittal of Zejnil Delalić, the accused has brought a cross-appeal. By an order of the Appeals Chamber (Judge Hunt presiding, Judge Wang, Judge Riad, Judge Nieto-Navia and Judge Bennouna), the briefing schedule for the appeal has been extended. As a result, the filing of the briefs on the merits was to be completed by 17 August 1999.

(iii) Furundžija appeal

81. Anto Furundžija filed a notice of appeal against the judgement on 22 December 1998. The Appeals Chamber (Judge Shahabuddeen presiding, Judge Vohrah, Judge Wang, Judge Nieto-Navia and Judge Robinson) on 26 July 1999 extended the briefing schedule for the appeal. As a consequence, the filing of the briefs on the merits was to be completed by 21 September 1999.

(iv) Aleksovski appeal

82. On 7 May 1999, the Trial Chamber rendered its judgement in the Aleksovski case. On 17 May 1999, Zlatko Aleksovski filed a notice of appeal against the judgement and the Prosecution filed its notice of appeal on 19 May 1999. The Defence had until 17 August 1999 to file its brief before the Appeals Chamber (Judge May presiding, Judge Wang, Judge Mumba, Judge Hunt and Judge Robinson).

(c) Other appeals

(i) Aleksovski contempt appeal

83. On 18 December 1998, a Defence Counsel from the Blaškić trial lodged an appeal against a decision by the Trial Chamber in the Aleksovski case finding him guilty of contempt of the Tribunal under rule 77. The Bench of three judges of the Appeals Chamber (Judge May presiding, Judge Wang and Judge Hunt) granted the Appellant's application for leave to appeal on 22 December 1998. A decision was pending before the Appeals Chamber (Judge Hunt presiding, Judge May, Judge Wang, Judge Bennouna and Judge Robinson).

(ii) State requests for review

84. One State request for review has been entertained by the Appeals Chamber pursuant to rule 108bis. Trial Chamber III, on 4 February 1999, granted in substantial part an application by the Prosecution by issuing an order for the production of documents to Croatia. On 11 February 1999, Croatia filed a request for review of that order pursuant to rule 108bis.

85. On 26 March 1999, the Appeals Chamber held that Croatia was directly affected by the order of the Trial Chamber and that the order concerned issues of general importance relating to the powers of the Tribunal in that it raised questions regarding the meaning and intent of article 29 of the Statute of the Tribunal. Consequently, the Appeals Chamber found Croatia's request for review admissible and, further, in the interest of justice suspended the execution of the Trial Chamber's order pending the outcome of the review.

86. A decision is pending before the Appeals Chamber (Judge McDonald presiding, Judge Shahabuddeen, Judge Vohrah, Judge Wang and Judge Nieto-Navia).

3. Indictments and arrest warrants

87. On 24 May 1999, Judge Hunt confirmed an indictment against Slobodan Milošević, President of the Federal Republic of Yugoslavia, and four other senior officials of the Federal Republic of Yugoslavia, charging them with crimes against humanity with respect to allegations of criminal conduct in Kosovo. Consequently, arrest warrants were issued for each accused and ordered to be transmitted by the Registrar to the Federal Republic of Yugoslavia, all States Members of the United Nations and Switzerland. Further orders were issued to those States requesting them to inquire whether any of the accused's assets were located in their territories, and if so, to freeze such assets provisionally until the accused were taken into custody. This last measure was taken in the light of the consistent non-cooperation of the Federal Republic of Yugoslavia with the Tribunal and the possibility that such assets would be used to evade arrest.

88. Furthermore, the existence of an indictment against Željko Ražnjatović (a/k/a "Arkan") was made public on 31 March 1999, although the indictment itself had not been made public. The indictment against General Radislav Krstić was unsealed subsequent to his detention by SFOR on 2 December 1998 and the indictment against Radislav Brđanin was unsealed following his detention by SFOR on 6 July 1999.

89. An indictment against Mladen Naletilić and Vinko Martinović (a/k/a "Tuta" and "Štela") was confirmed by Judge May on 21 December 1998, charging them with crimes against humanity, grave breaches of the Geneva Conventions and violations of the laws or customs of war in respect of their alleged involvement in murder, wilful killing, inhumane treatment, wilfully causing great suffering, persecutions, forcible transfer and destruction and plunder of private property.

4. Primacy of the Tribunal and State non-compliance

90. Pursuant to Security Council resolution 827 (1993) of 25 May 1993, all States are required to cooperate with the Tribunal. Article 29 of the Tribunal's Statute sets out the two areas in which this obligation applies: general cooperation in the execution of the Tribunal's mandate and compliance with specific requests for assistance or orders issued by a Trial Chamber. In practice, these obligations are most relevant to the States and entities of the former Yugoslavia. During the present reporting period, as in previous ones, their record of cooperation and compliance has been mixed.

91. Non-compliance by the Federal Republic of Yugoslavia continued to pose serious problems for the Tribunal during the reporting period. On five separate occasions - in two appearances and three letters - President McDonald notified the Security Council of non-compliance by the Federal Republic of Yugoslavia. This non-compliance took several forms, as outlined below. She asserted that the behaviour of the Federal Republic of Yugoslavia contradicted several Security Council resolutions pertaining to the situation in the former Yugoslavia, for example, resolution 827 (1993) of 25 May 1993, which created the Tribunal and required all States to cooperate with the Tribunal, including the obligation to comply with the requests for assistance or orders of the Tribunal; resolution 1160 (1998) of 31 March 1998, urging the Office of the Prosecutor to begin gathering information related to the violence in Kosovo; resolution 1199 (1998) of 23 September 1998, finding that the events in Kosovo constituted a threat to international peace and security in the region; resolution 1203 (1998) of 24 October 1998, calling for a prompt and complete investigation of all atrocities in Kosovo and demanding that the Federal Republic of Yugoslavia comply with previous Security Council resolutions; and resolution 1207 (1998) of 17 November 1998, demanding the immediate and unconditional execution of arrest warrants against three individuals indicted by the Tribunal.

(a) Failure to arrest and transfer Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin

92. Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin were indicted on 7 November 1995 for the murder of 260 unarmed men following the fall of Vukovar in November 1991 (the "Vukovar Three"). Warrants for their arrest were transmitted to the Federal Republic of Yugoslavia, as it was believed they were residing there. As the warrant was not executed, the confirming judge ordered the Prosecutor to submit the case to a panel of three judges for review pursuant to rule 61. On 3 April 1996, Trial Chamber I concluded that there were sufficient grounds for believing that those individuals had committed the offences as charged. Furthermore, the Trial Chamber found that "the failure to effect service of the indictment was due to the refusal of the Federal Republic of Yugoslavia to cooperate with the Tribunal." The Trial Chamber then issued international arrest warrants against the three accused.

93. Despite several reports by President McDonald and her predecessor, Antonio Cassese, to the Security Council about the situation, the Federal Republic of Yugoslavia continued in its refusal to arrest and transfer the accused. In November 1998, the President of the Military Court in Belgrade advised the Tribunal that it was conducting an investigation into the three

accused. In anticipation of hearing the testimony of the accused, the Military Court requested the Tribunal to forward to the Military Court a copy of the criminal case file and evidence against the accused.

94. Shortly thereafter, the Prosecutor filed a deferral request with the Trial Chamber pursuant to article 9, paragraph 2, of the Statute of the Tribunal and rule 9 of the Rules. Article 9, paragraph 2, provides that the Tribunal has primacy over national courts and permits the Tribunal to formally request national courts to defer to the competence of the Tribunal. On 10 December 1998, the Trial Chamber requested the Federal Republic of Yugoslavia to defer to the competence of the Tribunal. The matter is still unresolved. The Security Council was notified of the continuing failure of the Federal Republic of Yugoslavia to arrest and transfer the three accused on four occasions - 24 April 1996 and 8 September, 2 October and 8 December 1998.

(b) Failure to issue visas for Tribunal investigators to travel to Kosovo

95. On 15 October 1998, the Prosecutor advised authorities of the Federal Republic of Yugoslavia of her intention to lead an investigative mission to Kosovo. She sought assurance that visas would be forthcoming to enable the investigations to proceed. The Federal Republic of Yugoslavia refused to provide the necessary travel documents, thwarting the Prosecutor's efforts to investigate alleged criminal activity in Kosovo. This refusal was in direct contravention of the obligations of the Federal Republic of Yugoslavia under international law. President McDonald notified the Security Council of this failure to cooperate with the Tribunal on 6 November 1998.

(c) The Prosecutor's request pursuant to rule 7bis(B) dated 2 February 1999

96. On 2 February 1999, the Prosecutor requested the President, pursuant to rule 7bis(B), to find non-compliance by the Federal Republic of Yugoslavia and to report such non-compliance to the Security Council. The request was based on a pattern of non-compliance, including the failure to defer to the competence of the Tribunal, failure to execute warrants, failure to provide evidence and information and the refusal to permit the Prosecutor and her investigators into Kosovo. On 12 February 1999, President McDonald invited the Federal Republic of Yugoslavia to respond to the Prosecutor's request. No response was received. On 16 March 1999, the President made a determination that the Federal Republic of Yugoslavia was in non-compliance with its obligations under article 29 of the Statute of the Tribunal. The same day, President McDonald informed the Security Council of this non-compliance.

97. For a considerable period of time, the international community failed to respond adequately to the challenges to its authority by the Federal Republic of Yugoslavia. The Security Council adopted resolutions 1160 (1998), 1199 (1998) and 1203 (1998), which reiterated the need for the Prosecutor to investigate events in Kosovo. Subsequently, resolution 1207 (1998) dealt exclusively with the failure of the Federal Republic of Yugoslavia to cooperate with the Tribunal and unequivocally ordered it to surrender the Vukovar Three and to facilitate Tribunal access to Kosovo. Following the Račak massacre in January 1999, the President of the Security Council issued a statement on behalf of the Council "deplor[ing] the decision by the Federal Republic of Yugoslavia to refuse access

to the Prosecutor of the International Tribunal and call[ing] upon the Federal Republic of Yugoslavia to cooperate fully with the International Tribunal in carrying out an investigation in Kosovo" (see S/PRST/1999/2). As noted above, these measures were ineffective in remedying the illegal actions of the Federal Republic of Yugoslavia. Indeed, on a number of occasions, the President and the Prosecutor sought to draw the international community's attention to the persistent refusal of the Federal Republic of Yugoslavia to obey the will of the Security Council expressed in those four resolutions.

98. In December 1998, at the annual plenary meeting of the Peace Implementation Council, overseeing the implementation of the Dayton Agreement, its member States issued the Peace Implementation Agenda calling "upon all States concerned to abide by the relevant terms of Security Council resolution 1207 (1998) and to cooperate with the International Tribunal for the Former Yugoslavia as set out therein [and] condemn[ing] those Governments that have failed to execute arrest warrants issued by the Tribunal and individuals who aid and abet indictees" (see A/54/88-S/1999/492).

99. None of these demands brought any concrete improvement in the attitude or behaviour of the Federal Republic of Yugoslavia and none was supported by effective action to compel such change until the situation in Kosovo had deteriorated dramatically.

(d) Other selected instances of failure to cooperate

100. The Republic of Croatia has a better record of cooperation and compliance with the Tribunal than the Federal Republic of Yugoslavia. However, the Prosecutor remains gravely concerned at the Government's refusal to deal with her Office's requests for assistance, some of which date from 1996. It has also notably failed to transfer Mladen Naletilić and Vinko Martinović, indicted on 21 December 1998. On 19 July 1999, Minister of Justice Šeparović advised the Prosecutor that his Government would not consider their transfer to the Tribunal until they had completed sentences in Croatia relating to previous convictions. This position is blatantly contrary to the principle that the Tribunal enjoys primacy over national courts. Subsequently, Croatia indicated that it was prepared to transfer those individuals following the completion of court proceedings in Croatia. At the close of the reporting period, more than seven months had passed since the indictment was confirmed. Further, the Republic of Croatia has persistently refused to cooperate with the Prosecutor's investigations arising out of allegations that crimes falling within the Tribunal's jurisdiction were committed by Croatian forces during the summer of 1995 when they recaptured the Krajina region from Serb control, in an operation known as Operation Storm.

101. Moreover, the reporting period has been characterized by an increase in anti-Tribunal propaganda within Croatia. In February 1999, the Croatian Parliament held a debate on the work of the Tribunal. A resolution was adopted in which the Assembly "warn[ed] of the actions of the [Tribunal, which] has become the place where precisely defined political aims are implemented" and stated that "the excesses of the International Criminal Tribunal bring serious imbalance and instability to the ... [peace process]."[25] While such statements constitute the exercise of the right of expression by the Croatian Parliament,

it is regrettable that the debate that led to the resolution was not characterized by a more reasoned and mature discussion of the record of the Tribunal.

102. Also notable are the statements by various Croatian public officials, including the Prime Minister and the Foreign Minister, that seem designed deliberately to disseminate misinformation concerning the work and the objectives of the Tribunal. In response to reports in March 1999 that the Office of the Prosecutor was investigating acts within the Tribunal's jurisdiction allegedly committed by Croatian forces, Prime Minster Zlatko Mateša reportedly stated in response to a parliamentary question that "not a single Croatian General will be extradited to The Hague".[26] The President of the Supreme Court asserted that the Tribunal had no jurisdiction over Operations Flash and Storm.[27] The Deputy Speaker of the Parliament, Vladimir Seks, repeated this view.[28] Clearly, questions of jurisdiction over potential crimes under international law are for the Chambers of the Tribunal, and not for national authorities, to decide.

103. Foreign Minister Mate Granić submitted a report to the upper house of the Croatian Parliament on cooperation with the Tribunal. Among the problems he listed were that the Tribunal was investigating crimes allegedly committed during the conflict between Croatia and the Federal Republic of Yugoslavia, which was contributing to "an atmosphere of insecurity" in Croatia, and that the Tribunal had not yet apprehended the three individuals indicted for the attack on Vukovar in June 1991.[29] The Prosecutor has unfettered discretion to investigate any acts that she considers might fall within the Tribunal's jurisdiction under its Statute. Mr. Granić's comments would therefore be more appropriately raised during any judicial proceedings that may arise from the matters he referred to. Moreover, the Tribunal is unable to apprehend any indictee as it does not have any enforcement mechanisms. It is unfortunate that Mr. Granić chooses to use his position and influence to undermine the Tribunal rather than to educate the Croatian public about the vital work it is doing on behalf of all of the peoples of the former Yugoslavia, or to press in the appropriate forums for the arrest of the indicted persons he refers to.

104. It is also worth reiterating that all victims of crimes that fall within the jurisdiction of the Tribunal have a right to, and deserve, justice. It is disingenuous and unacceptable, therefore, for any Government to call for investigation and prosecution of crimes allegedly committed against its citizens while simultaneously refusing to assist the Prosecutor in developing cases involving other victims.

105. As a result of the persistent failure of the Government of Croatia to comply with Prosecution requests for assistance, on 28 July 1999, acting under rule 7bis(B), the Prosecutor requested the President to find that Croatia had failed to comply with its obligations towards the Tribunal and to report the matter to the Security Council. The Prosecutor's request was pending at the close of the reporting period.

106. In Bosnia and Herzegovina, the Republika Srpska has continued its policy of refusing to execute arrest warrants against indictees believed to be residing on its territory. Of the 36 publicly indicted persons at liberty at the end of the

reporting period, the Office of the Prosecutor believes that approximately 25 are in the Republika Srpska. The ongoing presidential and governmental crisis in the Republika Srpska[30] has significantly reduced the likelihood that this situation will be resolved in the near future. The Tribunal is grateful, therefore, to SFOR for its continued detention actions, which fill the vacuum created by the entity authorities disregard for their legal obligations.

5. Regulatory activity

(a) Amendments to the Rules of Procedure and Evidence

107. Since the eighteenth plenary of the judges, held in July 1998, a number of amendments to the Rules have been adopted. These changes have been necessitated by developments in the Tribunal's jurisprudence. As the Tribunal conducts more trials and begins hearing substantive appeals it will be necessary to review and, where appropriate, amend the Rules in order to ensure the proper administration of justice under the Tribunal's mandate.

108. Furthermore, procedures have been put in place for the efficient processing of proposals and for consideration of amendments to the Rules. In a practice direction (IT/143) issued by President McDonald on 18 December 1998, these procedures were officially adopted, clarifying the manner in which the Tribunal amends its Rules (see below).

109. The amendments noted below were agreed upon at the nineteenth plenary held in December 1998 and entered into force on 17 December 1999.

110. With the advent of the new Trial Chamber III in November 1998, three more judges joined the Tribunal. This necessitated amendments to rules 6(A), 25(B) and 26(A), changing the voting majorities and quorum requirements at plenary meetings to accommodate the change in the number of judges from 11 to 14.

111. Rule 6 was also amended to accommodate Rule changes and to make reference to such changes entering into force seven days after the issuance of an official Tribunal document (IT document).

112. Rule 40(i) was amended to refer to a suspect "or an accused" to create uniformity with rule 40(iii) and rule 53 was amended to insert a new sub-rule (D) to allow the Prosecutor to make limited disclosure of a sealed indictment to prevent the loss of an opportunity to arrest an accused person. Rule 62 was amended to provide the accused with an optional period of 30 days after the initial appearance in which to consider his or her plea, and rule 62bis was amended to insert the formal requirement that "the guilty plea is informed".

113. Rule 65bis was amended to require a Trial Chamber or Trial Chamber judge to convene a status conference within 120 days of the accused's initial appearance and not less than every 120 days thereafter to organize exchanges between the parties and provide the accused with an opportunity to raise issues in relation to his or her case, including the accused's mental and physical condition.

114. One of the most important amendments made to the Rules in the reporting period was to rule 77 (Contempt of the Tribunal). The rule has been amended to separate the contempt of threatening, intimidating or otherwise interfering with witnesses and potential witnesses from other forms of contempt of the Tribunal. The penalties for contempt have been increased to reflect the seriousness with which the Tribunal views breaches of these provisions. Rule 91 (False testimony under solemn declaration) has also been amended to increase the maximum penalty for breach of those provisions.

115. Rule 83 has been amended to require an order of the Registrar before instruments of restraint are used on an accused person and states that such instruments shall be employed only as a precaution against escape during transfer, or in order to prevent self-injury, injury to others or serious damage to property.

116. A new rule, 94ter was added to the Rules, providing for the taking of affidavit evidence to prove a fact in dispute. This amendment is part of the ongoing commitment of the Tribunal to speeding up the trial process while providing for the proper protection of the rights of the accused and the obligation of the Tribunal to the international community to conduct trials fairly and expeditiously.

117. Paragraph (C) of rule 103 has been added to provide a specific provision for convicted persons to remain in the detention unit pending transfer to a willing State where they will serve their sentence.

118. Furthermore, rule 23 was amended by unanimous agreement outside a plenary session pursuant to rule 6 in February 1999. The new sub-rule 23(D) provides for the replacement of unavailable judges on the Bureau so that it may continue to carry out its functions in the absence of one or more of its members.

119. At the twentieth plenary, held from 30 June to 2 July 1999, the following amendments, which took effect on 22 July 1999, were adopted. Sub-rule 15(C) was amended to clarify that a judge who reviews an indictment may sit as a member of the Appeals Chamber for the purposes of substantive appeals or as a member of a bench of three judges pursuant to rules 65(D), 72(B)(ii), 73(B) or 77(J). Rule 77bis was adopted and sets forth what action may be taken by a judge or Trial Chamber where there is a default in the payment of fines levied pursuant to rule 77 or rule 91. Rule 84bis was also adopted and permits an accused, with the permission of the Trial Chamber, to make a statement after the opening statements but prior to the beginning of the Prosecution's case-in-chief. Pursuant to that rule, the accused is not required to make a solemn declaration and may not be examined about the contents of the statement. The Trial Chamber will evaluate the probative value, if any, of the statement.

(b) Practice Directions

120. In accordance with rule 19(B), President McDonald issued a Practice Direction on procedure for the proposal, consideration of and publication of amendments to the Rules (IT/143) on 18 December 1998. The purpose of the document is: (a) to explain the role of the Rules Committee in examining and proposing amendments to the Rules; (b) to set out the manner in which proposals

are made so that they can be more efficiently processed and properly presented to the plenary for consideration; (c) to limit the consideration of Rules amendments to one plenary of judges per year, except in cases of urgency or exceptional circumstances; and (d) to set out how amendments are to be publicized.

121. Two Practice Directions relating to the enforcement of sentences were also adopted by the President (see para. 190 below).

6. Other activities

122. The President delivered a speech to the 26 July-13 August 1999 session of the Preparatory Commission for the International Criminal Court (ICC). The judges have written a report on the Rules of the Tribunal in relation to the ICC's proposed Rules that the President made available to the delegates. The report was prepared by the Chambers' Work Group on Rules of Evidence and Procedure.

123. President McDonald and representatives of the Tribunal attended the 26 July-13 August 1999 session of the Preparatory Commission for the International Criminal Court on behalf of the Tribunal. The Tribunal was also represented at the 16-26 February 1999 session of the Preparatory Commission.

III. OFFICE OF THE PROSECUTOR

A. Overview

124. In the period under review, the work of the Office of the Prosecutor was dominated by events in Kosovo, although investigative activities in other areas continued. In March 1998, the Prosecutor proclaimed publicly that the territorial and temporal jurisdiction of the Tribunal covered any serious violations of international humanitarian law taking place in Kosovo and stated that she was empowered to investigate such crimes. Three Security Council resolutions (resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998) have supported her position. In spite of the support of the international community, the Prosecutor was unable to conduct investigations in Kosovo throughout the latter part of 1998 and during 1999 owing to the non-cooperation and non-compliance of the Federal Republic of Yugoslavia. When NATO began its air campaign against the Federal Republic of Yugoslavia on 24 March 1999 and thousands of Kosovar Albanians began streaming out of Kosovo with allegations of atrocities, the Prosecutor immediately responded by dispatching teams of investigators to Albania and the former Yugoslav Republic of Macedonia. Temporary operation bases were established in Tirana and Skopje and requests for assistance in interviewing and tracking refugees were intensified. An indictment against Slobodan Milošević and four other accused was signed by the Prosecutor on 22 May and was confirmed on 24 May 1999. The Prosecutor, in addition to seeking warrants of arrest addressed to the Federal Republic of Yugoslavia, all States Members of the United Nations and Switzerland, also sought an order requesting such States to inquire whether any of the accused's assets were located in their territories,

and if so, to freeze such assets provisionally until the accused were taken into custody.

125. Three arrests were effected by SFOR troops in Bosnia and Herzegovina, bringing the number of detainees at the time of reporting to 27. Two indictments were confirmed and made public and two previously sealed indictments were partially made public, while an undisclosed number of sealed indictments were confirmed by judges. Five search warrants were executed in Bosnia and Herzegovina and one in Kosovo, and large numbers of documents were seized. Trial and appellate activity continued throughout the period.

B. Investigative activity

1. Kosovo

126. Ten investigation teams, including a team established in 1998 dedicated to looking into the events in Kosovo, are responsible for conducting criminal investigations and gathering evidence in the former Yugoslavia in order to bring indictments against those responsible for violations of international humanitarian law. Investigative activity has been intense during the reporting period. However, the events in Kosovo commencing in March 1999 required urgent and unprecedented action by the Prosecutor to investigate allegations of crimes related by the refugees fleeing Kosovo. A major effort was initiated, with excellent assistance provided by the Registry, to deploy and support a large number of investigators in the region. The urgency of the Kosovo mission required the redeployment of many investigators from their regular work. The deployment of the NATO-led Kosovo force (KFOR) on the territory of Kosovo provided the opportunity for the Prosecutor to commence extensive on-site investigations throughout that territory. The extent of the scale of alleged atrocities to be investigated in Kosovo required the Prosecutor to turn to the Member States for assistance. An unprecedented level of support has been given to the Tribunal by Member States providing forensic teams, which have been placed at the Prosecutor's disposal. At the end of the reporting period, at least eight countries had provided such forensic teams and another three were preparing to send such teams to Kosovo. As a result it has been possible for the Prosecutor's investigators, with the assistance of the forensic teams, to record and document the level of criminal activity which has been occurring in Kosovo.

127. The Belgrade office was evacuated immediately before the onset of air strikes by NATO and it is unlikely that it will be reopened in the near future. Personnel from the Belgrade office were moved into Albania and the former Yugoslav Republic of Macedonia to provide support to the investigators. The Prosecutor is, however, anxious to reopen the Belgrade office so that investigations can resume into those cases involving Serb victims.

128. In support of the Kosovo investigations, the Prosecutor and the Deputy Prosecutor initiated a new series of requests on two levels for assistance from States, non-governmental, intergovernmental and international organizations working in Albania, the former Yugoslav Republic of Macedonia and other neighbouring States. On one level, organizations were asked to help distribute

and complete brief questionnaires to be filled in by witnesses and victims fleeing Kosovo. At the time, the aim of the initiative was to identify key witnesses, from among the overwhelming and growing Kosovar Albanian refugee community, to crimes falling within the Tribunal's jurisdiction, thereby providing a screening process leading to interviews being conducted by the Prosecutor's investigators with those witnesses. But because victims did not have knowledge of the command structures of military and police forces, a second level of cooperation was also sought. In March and April 1999, the Prosecutor met with Ministers of Defence and Foreign Affairs in Bonn, London, The Hague, Washington and Paris to solicit their support for the investigative efforts in Kosovo and in particular to urge them to provide intelligence-based information to her. On both levels, cooperation has been extremely encouraging.

2. Exhumations: 1998-1999

129. Exhumations of human remains buried in mass graves are conducted in order to provide corroborating physical evidence of crimes. The Prosecutor has undertaken three consecutive years of exhumations, from 1996 to 1998. Exhumations in 1998 began in April and continued well into the autumn, focusing on sites related to the fall of the United Nations "safe area" of Srebrenica. The exhumations work undertaken in relation to the Srebrenica sites was completed just as SFOR detained General Radislav Krstić, a Bosnian Serb military officer charged with genocide in connection with the events that had taken place there in 1995. The 1998 exhumation project resulted in the removal of the remains of 650-800 persons, the collection of over 20,000 photographic images, and the positive identification of many of the victims. In addition to the grave-site work, a mortuary works full-time to conduct post-mortem examinations and to forensically examine the recovered remains and to collect information used to identify the victims. The project employed hundreds of people, most volunteering their time, from 37 nations and was supported by financial contributions from Canada, Saudi Arabia, the United Kingdom and the United States.

130. Although plans and funding were well under way for the 1999 exhumation project, the air campaign by NATO in the Federal Republic of Yugoslavia and the resulting security situation in Bosnia and Herzegovina, and particularly in the Republika Srpska, delayed the start-up of the project to 20 May 1999. Over 270 bodies have been exhumed from two sites.

3. Indictments

131. Since the implementation of the Prosecutor's use of sealed indictments, which has been occasioned mainly by the lack of cooperation of the Republika Srpska in complying with its legal obligations to arrest and surrender indicted accused, the number of detentions by SFOR troops in Bosnia and Herzegovina increased dramatically, particularly in 1997 and 1998. Some of the accused who were indicted and whose names were kept under seal were arrested during the reporting period and their names subsequently revealed. On 2 December 1998, Radislav Krstić, a Bosnian Serb General, was detained by SFOR and his indictment for genocide related to the fall of Srebrenica was made public. On

31 March 1999, the Prosecutor revealed that an indictment had been brought against Želijko Ražnjatovic ("Arkan") on 30 September 1997. The indictment itself has not been made public but an arrest warrant was served on the Federal Republic of Yugoslavia, where the accused is known to be residing. Reports that this accused was active in Kosovo led the Prosecutor to state that by making the indictment public she was putting on notice those who might be inclined to retain his services or to obey his orders that they too would be tainted by their association with a person who has been indicted by this Tribunal. A public indictment was confirmed on 21 December 1998 against Mladen Naletilic ("Tuta") and Vinko Martinović ("Štela") for alleged involvement in murder, wilful killing, inhumane treatment, wilfully causing great suffering, persecutions, forcible transfer and destruction and plunder of private property. Both are currently being held in custody in Croatia in relation to charges pending in Croatian courts. Arrest warrants have been served on the Republic of Croatia for the surrender of the two accused to the Tribunal. On 7 June 1999, SFOR detained Dragan Kolundžija (Keraterm indictment) and on 6 July 1999 Radislav Brđanin, a deputy in the Bosnian Serb parliament, was also detained by British SFOR troops.

132. On 24 May 1999, an indictment against Slobodan Milošević, President of the Federal Republic of Yugoslavia, was confirmed by a judge of the Tribunal. It is the first indictment in history to be brought against a sitting head of State. The indictment also brings charges against four others: Milan Milutinović, President of Serbia; Nikola Šainović, Deputy Prime Minister of the Federal Republic of Yugoslavia; Dragoljub Ojdanić, Chief of Staff of the Yugoslav Army; and Vlajko Stojiljković, Minister of Internal Affairs of Serbia. The indictment is based exclusively on crimes committed since the beginning of 1999 in Kosovo and charges crimes against humanity and violations of the laws or customs of war. The facts support charges of murder, persecutions on political, racial or religious grounds and deportation. Warrants of arrest were issued to all States Members of the United Nations and Switzerland and for the first time States were ordered to make inquiries to discover whether the accused had assets located in their territory, and if so, to freeze such assets until the accused were taken into custody.

4. Search warrants

133. Search warrants are executed for the purpose of seizing certain specified documentary evidence from locations in the former Yugoslavia. Documentary evidence of crimes committed, such as signed orders by military commanders, is a very compelling category of evidence. In the absence of this type of evidence, the Prosecutor has had to rely primarily on witness testimony to establish the cases against the accused. In 1997 and 1998, however, investigators obtained a number of search warrants from the judges of the Tribunal and these warrants were executed during a number of seizure operations in the Republika Srpska. In September 1998, investigators executed three search warrants in Široki Brijeg, Mostar and Vitez, seizing 49 boxes of material. In May 1999, two more search warrants were executed in Croatia and in the Republika Srpska. Local authorities, SFOR troops and the International Police Task Force (IPTF) all assisted in the operations. In June 1999, a search warrant was executed in Kosovo, with the assistance of KFOR.

C. Cooperation and assistance in the former Yugoslavia

1. SFOR and KFOR

134. Productive working relationships with organizations in the former Yugoslavia continue to be critical to the success of the Prosecutor's mandate. SFOR has provided exceptional support and attempted four apprehensions of indicted accused, of which three were successful and one resulted in the death of the accused. On 27 September 1998, Stevan Todorović was detained and transferred to The Hague. Todorović had been indicted in 1995 with five others for an alleged "campaign of terror" against the Bosnian Croat and Muslim populations of Bosanski Šamac by Serb military and political authorities. In December 1998, SFOR troops detained Radislav Krstić, a Bosnian Serb general. Krstić is accused of genocide in connection with events surrounding the fall of Srebrenica in 1995. On 7 June 1999, SFOR troops detained Dragan Kolundžija, indicted in 1995 for events that took place at the Keraterm Camp. SFOR also assists with essential support for the exhumations project and with the execution of search warrants. The Prosecutor and her staff work to ensure that modalities of cooperation and assistance are maintained and improved with SFOR, as its continued support is critical to operations in the field. On 6 July 1999, KFOR troops detained Radislav Brđjanin, who was named on a sealed indictment and charged with both individual and superior criminal responsibility pursuant to article 7, paragraphs 1 and 3, of the Statute. In Kosovo, KFOR is providing excellent support, which has been unprecedented in its scope, for the Prosecutor's investigations.

2. Office of the High Representative: "Rules of the Road"

135. The parties to the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) agreed in Rome on 18 February 1996 tnat persons other than those already indicted by the Tribunal may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that had been reviewed and deemed consistent with international legal standards by the Tribunal. The work emanating from that agreement is referred to as the "Rules of the Road" project.

136. The Prosecutor's consent to review cases under this scheme was given on the understanding that additional resources would be provided to the Office to enable the work to be done. Although funding was sporadically provided by several States and assistance was provided by the Coalition for International Justice and the American Bar Association's Central and East European Law Initiative, donations in 1998 were not sufficient to complete the review of all the cases submitted. An appeal was made to the Office of the High Representative to raise sufficient funding for the project to enable the Office of the Prosecutor to clear a backlog of 344 cases. The Office of the High Representative successfully secured donations that would fund the project for 1999.

137. The United Nations Mission in Bosnia and Herzegovina (UNMIBH) has continued to assist the Prosecutor when requested with logistics, communications and accommodation. The Office of the Prosecutor has continued to support the

International Police Task Force by allowing its officers to search its databases for the purpose of retrieving information on candidates proposed to serve as officers of the new police force throughout Bosnia and Herzegovina. Cooperation with the United Nations Interim Administration Mission in Kosovo (UNMIK) has been unprecedented. The Security Council in its resolution 1244 (1999) of 10 June 1999 specifically demanded full cooperation by all concerned, including the international security presence, with the Tribunal and the Secretary-General's first report on UNMIK (S/1999/987) reiterated that position.

IV. THE REGISTRY

138. The Registry of the Tribunal continued to exercise court management functions and provide administration and service to the Chambers and the Office of the Prosecutor. In addition, the Registry provided information to the media and the public, administered the legal aid system of assigning Defence Counsel to indigent accused, supervised the Detention Unit and maintained diplomatic contacts with States and their representatives. Operating under the supervision of the Registrar, the Deputy Registrar and the Chief of Administration, the Registry continued to adopt innovative approaches to its diverse and increased tasks.

A. Office of the Registrar

1. Registry Legal Support Unit

139. The Registry Legal Support Unit, headed by a Senior Legal Officer, continued to provide legal advice to the Registrar on the interpretation and application of legal instruments regarding the tasks and responsibilities of the two parts of the Registry: the Administrative Services Division and the Judicial Support Services Division. The Unit also provided advice on administrative legal matters and on the internal regulations and rules of the United Nations, as well as on the relations with the host country, other diplomatic relations and additional matters of international law.

140. In particular, during the reporting period, the Registry Legal Support Unit focused on resolving various issues relating to the host country, notably the preparation of an agreement between the Tribunal and the Government of the Netherlands on the services and facilities of prison cells in the Detention Unit and on negotiating agreements between the United Nations and individual States on the enforcement of sentences and the relocation of witnesses. Moreover, following the situation in Kosovo, legal support was given in connection with the establishment of the temporary operational bases and field missions in the area.

2. Public information services

141. During the reporting period, public information operations were reorganized to foster deeper interest and understanding of the work of the Tribunal. The Public Information Unit was renamed the Public Information Services following the establishment of four working units: the Press Unit, the Publications and Documentation Unit, the Legal Unit, and the Internet Unit. The completion of this process on the eve of the Kosovo crisis enabled the Public Information Services to cope with the increased public exposure of the Tribunal in the wake of the indictment of President Milošević and four other senior officials of the Federal Republic of Yugoslavia.

142. The Press Unit remained responsible for press affairs, including media logistics, media monitoring and relations with media representatives. The Unit is headed by the Spokesman of the Tribunal, while the Office of the Prosecutor appointed its own Spokesperson in late April 1999. This dual construction reflected the different respective mandates of the Prosecutor and the Chambers and has permitted the successful resumption of weekly press briefings by the two spokespersons.

143. The Publications and Documentation Unit organized visits by approximately 2,000 persons from numerous groups to the Tribunal. It also facilitated, in coordination with Kluwer Law International, the publication of a series of judicial reports, the only official compilation of the Tribunal's indictments, decisions and judgements. The Unit also managed the distribution of public documents released by the Tribunal.

144. The Legal Unit published a weekly update outlining developments in the Tribunal's cases, listing court schedules and available public documents. The Unit also produces a monthly judicial bulletin, launched in February 1999, summarizing the Tribunal's jurisprudence.

145. The Internet Unit continued to maintain the Tribunal's Internet home page and compiled an electronic collection of key documents in Bosnian, Croatian and Serbian, which were distributed to contacts throughout the former Yugoslavia.

3. The Outreach Programme

146. The Tribunal was created by the Security Council to establish the legal accountability of those who committed crimes during the conflict in the former Yugoslavia. In so doing, the Tribunal is intended to contribute to the restoration of international peace and security. In the region, therefore, the Tribunal is a means to assist in reconciliation and to prevent a recurrence of conflict. The achievement of these objectives is dependent on the victims being aware of and understanding the war and its causes. It is therefore critical to the success of the Tribunal that the populations of the region are informed about the work of the Tribunal and understand its significance.

147. However, the Tribunal is unlike any other court. National courts exist within each State's criminal justice system and an institutional framework that supports the conduct of criminal proceedings. Within the international

community, there are no such mechanisms to ensure the dissemination and interpretation of the work of the Tribunal. The gap thus created between justice and its beneficiaries – victims of the conflict – is exacerbated by the Tribunal's physical location far from the former Yugoslavia.

148. The Tribunal is viewed negatively by large segments of the population of the former Yugoslavia. Its work is frequently politicized and used for propaganda purposes by its opponents, who portray the Tribunal as persecuting one or other ethnic groups and mistreating persons detained under its authority. Throughout the region, the Tribunal is often viewed as remote and disconnected from the population and there is little information available about it. Such views are exploited by authorities that do not recognize or cooperate with the Tribunal, thereby damaging efforts to foster reconciliation and impeding the work of the Office of the Prosecutor. This is particularly detrimental to the success of the Tribunal. It is now a fully functioning international criminal court, holding regular hearings, with a normative framework completed and in operation and close and productive working relationships developed with international organizations working in the former Yugoslavia. Many of these organizations experience first-hand the negative perceptions of the Tribunal and employ their own resources to counter them.

149. The Tribunal has therefore begun an effort to improve understanding of its work in the former Yugoslavia. A number of legal professionals from the region attended a conference at its seat in The Hague in October 1998. This event, funded by the United States Institute for Peace and organized by the Coalition of International Justice, brought together leading figures from the judicial and legal communities and gave them an opportunity to listen to and put questions to senior members of all sections of the Tribunal. The following month, President McDonald sent a mission to the region to meet with local as well as international actors and discuss ways to improve the situation described above. The responses to both exercises indicate that there is widespread recognition of the important role that the Tribunal plays post-conflict in the region and that there is a strong desire for closer contact between the Tribunal and the region, in particular through direct interaction with representatives in the field.

150. The Tribunal is now establishing a programme dedicated to explaining its work and addressing the effects of misperceptions and misinformation. The programme would make available information and resources on the Tribunal, disseminating them and encouraging debate within national and local communities. It is intended to engage local legal communities and non-governmental organizations, victims' associations and educational institutions. Existing links with international intergovernmental and non-governmental organizations operating in the region will be strengthened to create a two-way channel of communication, benefiting both the Tribunal and those institutions which currently devote resources to issues that could be more effectively resolved by direct and coordinated involvement of the Tribunal. This programme will comprise two components: the establishment of an Outreach Programme within the Office of the Registrar; and enhancing the existing capacity of the Registry's Public Information Services at The Hague.

151. The Outreach Programme will operate in The Hague and in the former Yugoslavia. A staff member with substantial knowledge of the region, the

conflict and the Tribunal will be based at The Hague but travel frequently and extensively in the region, coordinating the work of other staff based in Banja Luka, Sarajevo and, given recent events, Kosovo. Initially, the senior staff member will travel around the region to conduct a more detailed assessment of the situation, thereafter designing the programme's specific structure. Responsibilities will include: development of local networks; distribution of materials; creation of additional media-monitoring and analysis capacity; regular press events; establishment of video links between the Tribunal and the region; coordination of visits to and from the Tribunal; representation in appropriate forums and relevant international organization activities; and presentations to educational institutions and other audiences. To reduce logistical and security costs, it is intended to use the existing capacity of United Nations missions in the region.

152. The Public Information Services will support the Outreach Unit by continuing to expand its production of information materials, concentrating on both general and specific aspects of the Tribunal and its operation. Activities include: translation and distribution of information packets; systematic translation of all relevant public information materials into Bosnian/Croatian/Serbian; production of various information videos; production of electronic products, including CD-ROMs and an enhanced Internet home page with Bosnian/Croatian/Serbian pages. Many of these steps have already been undertaken by the Public Information Services.

153. The programme is being funded through voluntary contributions. Various pledges have been received and the programme is expected to start at the beginning of the next reporting period.

4. Security and Safety Service

154. The Security and Safety Service grew to a total of 103 staff and officers, representing 25 different nationalities. All officers have formerly served in the military or police services of their respective countries. The responsibilities, however, have been expanded to include the provision of security for the Exhumations Project in Bosnia and investigations in Kosovo, Albania and the Federal Yugoslav Republic of Macedonia, the provision of security services for two additional courtrooms and increased numbers of detainees.

B. Judicial Support Services Division

155. Major activities of the Division include the work of the following units and sections.

1. Court Management and Support Services Section

156. The Court Management and Support Services Section continued to carry out its preparatory and organizational support tasks for the conduct of courtroom hearings. This included receiving documents filed during the hearing and

handling exhibits, preparing procedural minutes, maintaining and updating the calendar of scheduled hearings, coordinating the schedules and use of courtroom facilities, filing, indexing and distributing all case documents, maintaining the Tribunal's record book and managing transcripts of all hearings.

157. During the reporting period, Courtrooms II and III became fully operational. With the inauguration of three new judges and the consequent establishment of Trial Chamber III, the distribution of cases and the use of the courtrooms was reorganized. In the area of court management, a cooperation mechanism for the exchange of information between the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda was established.

2. Chambers Legal Support Section

158. The Chambers Legal Support Section continued to work in close coordination with the individual Chambers, providing research and drafting assistance, editorial services in both working languages and case management support. The Section assisted the judges in plenary with issues affecting the Chambers as a whole, in particular with amendments to the Rules of Procedure and Evidence and other basic documents. The Legal Officers also assisted the Bureau in the preparation of minutes and research.

3. Defence Counsel Unit

159. The Defence Counsel Unit continued to be in charge of matters relating to Defence Counsel and to the legal aspects of the Detention Unit.

160. On 10 December 1998, a number of provisions of the Directive on Assignment of Defence Counsel (the Directive) were amended, most amendments pertaining to the extent and terms of the services provided under the legal aid system of the Tribunal. The Unit further continued to maintain a list of Defence Counsel with the necessary requirements to be assigned to indigent accused or suspects. Interest continues to be expressed in being placed on the list, which at the end of the reporting period contained 360 lawyers.

161. The Advisory Panel, the consultative body on Defence Counsel matters pursuant to article 32 of the Directive, consists of two members chosen by ballot from the list of persons willing to be assigned to indigent suspects and accused, two members proposed by the International Bar Association, two members proposed by the Union internationale des avocats and the President of the Netherlands Order of Advocates or his representative. The composition of the Advisory Panel was as follows: Mr. P. von Schmidt auf Altenstadt (The Hague); Paul Nemo (Paris); Patrick Brunot (Paris); Rosaleen Morrison (Edinburgh); Paul Storm (Rotterdam); Pascal Vanderveeren (Brussels). The Tribunal was grateful for the advice provided on a pro bono basis by the Advisory Panel. The Panel met on 28 and 29 June 1999 at the seat of the Tribunal. The members met judges, the Prosecutor and Defence Counsel and discussed the following issues: criteria for the admission of jurists to the Registrar's list of Defence Counsel pursuant to rule 45 of the Rules; misconduct of Defence Counsel and sanctions;

and conflicts of the Tribunal's Code of Conduct with codes of national bar associations.

4. Detention Unit

162. During the reporting period the Unit expanded and 12 additional cells were built. In the process, extra visiting spaces, medical rooms, recreational facilities and office space were created. At the close of the reporting period, the Unit had a capacity to hold 36 detainees.

163. The staffing of the Unit was increased to 36 guards, supplied through the Netherlands prison service; in addition one guard was contracted by the Government of Austria and three guards were contracted through the Government of Denmark.

5. Victims and Witnesses Section

164. The Victims and Witnesses Section continued to make recommendations for protective measures for witnesses appearing before the Tribunal and to provide them with counselling and support. The Section, in close cooperation with a number of States, has also been responsible for the relocation of witnesses unable to return to their residence after completing their testimony. In addition, the Section has been charged with making travel, accommodation, financial and administrative arrangements for the movement and appearance of witnesses.

165. The Unit has steadily expanded its contacts for cooperation with relevant authorities in a number of Member States and in the host country. The cooperation rendered by the States and the host country has been of invaluable assistance to the operations of the Unit.

166. In its support function, the Section operates a "Witness Assistant Programme", which is comprised of a team of nine Witness Assistants who provided 24-hour live-in support for witnesses. The programme is financially supported by the European Commission and the Danish Rehabilitation and Research Centre for Torture Victims.

167. In early 1999, a research and monitoring project was started designed to evaluate the Section's work and assess the experience of witnesses during their presence at the Tribunal. In addition, a project was initiated aimed at establishing common procedures and standards for the Victims and Witnesses Section of the Tribunal and the International Criminal Tribunal for Rwanda.

168. The Section's programmes covered about 300 witnesses or related persons from 20 different countries.

C. Administration

169. Major activities of the Administration include the work of the following units.

1. Budget and Finance

170. During its 53rd session, at the 92nd plenary meeting, on 18 December 1998, the General Assembly adopted resolution 53/212 in which it decided to revise the level of appropriation for 1 January to 31 December 1998 to a total amount of $61,941,400 net ($68,314,500 gross). This revised the number of authorized posts to 634.

171. Expenditure for the year against the appropriation totalled $59,360,100 net ($65,285,900 gross), resulting in savings of $2,581,300 net ($3,028,600 gross), which represented 4.2 per cent of the above appropriation.

172. On 7 October 1998, the Secretary-General submitted his report on the financing of the Tribunal (A/C.5/53/13), which contained the proposed requirements for 1999. These amounted to $96,650,900 net and an additional 267 staff posts.

173. The Advisory Committee on Administrative and Budgetary Questions in its report dated 9 November 1998 (A/53/651), recommended the appropriation of an amount of $93,801,300 net ($103,066,300 gross) and provision for an additional 150 posts for 1999. The Fifth Committee, in its report (A/53/755), revised the proposed appropriation to a total amount of $94,103,800 net ($103,437,600 gross), but maintained the figure of 150 additional posts. This took into account amendments to the terms and conditions of judges, which were approved in the period between the reviews of the Advisory Committee and the Fifth Committee.

174. At its 92nd plenary meeting on 18 December 1998, the General Assembly, having considered the report of the Fifth Committee, adopted resolution 53/212 approving the appropriation of $94,103,800 net for the Tribunal for the period 1 January to 31 December 1999. The total number of approved staff posts for that period now stands at 784.

2. Human Resources Section

175. Nearly 6,000 applications were processed during the year, an increase of 20 per cent over the volume of applications from the previous year. By 20 July 1999, the total number of staff in the Tribunal had increased from 511 to 791 persons, of whom 334 were international staff and 457 were locally recruited staff. Sixty-three nationalities are represented among the staff; the percentage of women was 36 per cent among the Professional category and 43 per cent for all staff. On 20 July 1999 a total of 22 other personnel provided services to the Tribunal. The number of short-term appointments (court reporters and conference interpreters) for the year totalled approximately 514, an increase of almost 70 per cent from the previous year, reflecting the

increased staffing and support needs that resulted from the opening of the second and third courtrooms. The number of Special Service Agreements processed during the reporting period (for field interpreters, expert witnesses, Exhumations Project, witness assistants, and temporary assistants) totalled 846, also a significant increase, nearly 50 per cent, over previous levels of activity.

3. Conference and language services

176. The Conference and Language Services Section was required to meet the increased demands of the judicial calendar in the light of the arrest and voluntary surrender of a large number of accused during the reporting period. The opening of the additional courtrooms and the subsequent increase in judicial activities led to the division of the staff of the section into the French Translation Unit, the English Translation Unit (translators and revisers also responsible for translations into the language(s) of the accused and other non-official languages, such as German, Dutch, etc.) and the Interpretation Unit (conference interpreters), providing simultaneous interpretation of all hearings in English, French and Bosnian/Croatian/Serbian. The Section continued to provide field interpreters for missions mainly involving interviews with victims or witnesses.

4. Electronic support and communications

177. The Electronic Support Services Section continued to provide computer, communications and audio-visual technical services to the other sections of the Tribunal. During the course of 1998 the newly established Electronic Support Services Training Unit was staffed and introduced services. Support of the forensics operations increased in line with the expanded activity in that sector. Moreover, plans are being developed for the establishment of direct and secure communication links with the International Criminal Tribunal for Rwanda through voluntary contributions.

V. CONTACTS OF THE TRIBUNAL WITH GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

178. Without the active support and cooperation of the entire international community, the Tribunal is unable to effectively function. Although it is a fully functioning judicial institution, the Tribunal lacks the power to enforce the orders, arrest warrants and decisions that it issues. It has no police force to arrest indicted individuals, nor does it have a confinement facility in which to incarcerate convicted persons. Consequently, the Tribunal must rely on those international persons possessing the legal and logistical means to enforce the Tribunal's orders, arrest warrants and decisions, namely States and international organizations. Therefore, the President, the Prosecutor and the Registrar, as heads of the three organs of the Tribunal, work to develop and foster alliances with States and international organizations to ensure the Tribunal's success. During the reporting period, there were numerous contacts and exchanges between the Tribunal and the States and international

organizations constituting the international community. Notable meetings and discussions are detailed below.

A. Direct interaction with the former Yugoslavia

179. In October 1998, President McDonald hosted an outreach symposium bringing nearly two dozen lawyers and judges from the former Yugoslavia to the Tribunal for discussions on issues of mutual concern. On 10 November 1998, she met with President Alija Izetbegović, member of the Bosnian State Joint Presidency, in Sarajevo to review the prospects for a Truth and Reconciliation Commission in Bosnia and Herzegovina, outreach efforts by the Tribunal, and to provide a general update on the Tribunal's activities. The Truth and Reconciliation Commission was also the subject of an intensive discussion with representatives of the Office of the High Representative and the United States Institute of Peace.

180. On 15 December 1998, the President addressed the Peace Implementation Council, overseeing the implementation of the Dayton Agreement, at its annual plenary meeting in Madrid, while as part of the ongoing cooperative relationship between the Tribunal and the Office of the High Representative, the President, the Prosecutor and the Registrar met with Ian Martin, Deputy High Representative for Human Rights and Rule of Law, on 30 March 1999. Various matters of common interest, including the development of the Outreach Programme, and implementing legislation, were discussed. The Minister of Justice of the Federal Republic of Yugoslavia, Zoran Knežević, met with the President and the Prosecutor on 17 December 1998. Among the points raised, the Minister reiterated his Government's claim that its Constitution prevented the transfer of the Vukovar Three, indicted by the Tribunal in November 1995 and residing with impunity on the territory of the Federal Republic of Yugoslavia, a claim that is untenable under the terms of Security Council resolutions 827 (1993) and 1207 (1998). Finally, a delegation from the Republika Srpska, headed by the Minister of Justice, Milan Trbojević, visited the Tribunal from 2 to 4 February 1999 to discuss improved cooperation.

B. Other contacts

181. On 4 November 1998, the Prime Minister of France, Lionel Jospin, visited the Tribunal and emphasized his country's continuing support for its work. On 13 January 1999, the Secretary of State for Foreign Affairs of the United Kingdom, Robin Cook, visited the Tribunal and met with the President, the Prosecutor and the Registrar. Minister Cook announced a donation to support the Rules of the Road project and to fund the translation of documents seized by the Office of the Prosecutor. Finnish President Martti Ahtisaari visited the Tribunal on 21 January 1999 and met with the President, the judges, the Prosecutor and the Registrar. On 18 May 1999, Secretary-General Kofi Annan visited the Tribunal and met with the judges, the Prosecutor and the Registrar.

182. The First Lady of the United States of America, Ms. Hillary Rodham Clinton, paid the Tribunal a visit on 17 February 1999 and met the President and the Registrar and viewed the third courtroom. On 23 February 1999, the Minister for

Foreign Affairs of Sweden, Anna Lindh, came to the Tribunal to sign an Agreement with the United Nations on the enforcement of sentences imposed by the Tribunal. Sweden thereby became the fourth United Nations Member State to enter into such an Agreement.[31] The President, together with the Registrar, received the Minister of Justice of the Czech Republic, Otakar Motejl, on 5 March 1999. Mr. Motejl reiterated his country's commitment to cooperating with the Tribunal and assisting it in the discharge of its mandate. On 9 March 1999, the Prime Minister of Luxembourg, Jean-Claude Juncker, visited the Tribunal to discuss, inter alia, enforcement of sentences, relocation of witnesses and implementing legislation. One week later, on 16 March 1999, the President, together with the Registrar, met with the Minister of Development Cooperation of the Netherlands, Eveline Herfkens, in the Ministry of Foreign Affairs. Minister Herfkens indicated that the Netherlands would continue to give voluntary contributions to projects of the Tribunal. In July 1999, the President visited Vienna and met with the State Secretary in the Federal Ministry of Foreign Affairs, Benita Ferrero-Waldner, and the Minister of Justice, Nikolaus Michalek. An enforcement of sentences Agreement and an agreement on gratis personnel were formalized during the meetings.

183. President McDonald also addressed several international organizations, including the Security Council on three occasions and the General Assembly once. In November 1998, she met with leaders of the Organization of the Islamic Conference to discuss funding proposals for communication and database links between the two International Tribunals. The President also met with numerous other ambassadors and ministers during the reporting period, including the Ministers of Justice and Foreign Affairs of the Federal Republic of Yugoslavia, the ambassadors of Bosnia Herzegovina and Croatia, and the United States Ambassador-at-Large for War Crimes Issues.

184. President McDonald further addressed various groups as a means of increasing public awareness of the work of the Tribunal. For example, she gave a lecture on war crimes at the headquarters of the International Committee of the Red Cross in Geneva. In May 1999, she spoke at the New York-based Council on Foreign Relations regarding the Tribunal's record and prospects with particular reference to Kosovo. On 30 July 1999, President McDonald addressed the Preparatory Commission for the International Criminal Court. She also spoke at various law schools and universities.

185. The Prosecutor had contacts with high officials of many States in relation to investigative activities, to seek both cooperation and assistance. During the reporting period, the Prosecutor met with ministerial officials in Bonn, Paris, The Hague, Washington, D.C. and London in relation to events in Kosovo. She also had a series of meetings with the Secretary-General of NATO and the Supreme Allied Commander Europe. On a number of issues, she has met with the Secretary-General and other senior officials in the United Nations system. The Prosecutor and other representatives of the Office have made numerous presentations to a variety of organizations, including the Preparatory Commission for the International Criminal Court.

VI. ENACTMENT OF IMPLEMENTING LEGISLATION

186. As noted in previous reports, the Tribunal relies heavily not just on the cooperation of States of the former Yugoslavia but on all States for assistance. Indeed, the Tribunal operates under the assumption that States will provide full cooperation. In this context, the adoption by States of the legislative, administrative and judicial measures necessary for the expeditious implementation of the Tribunal's orders is of crucial importance and, in fact, mandatory under Security Council resolution 827 (1993). Implementing legislation usually covers matters relating to the seizure of evidence, the arrest, detention and transfer of persons indicted by the Tribunal and the enforcement of sentences.

187. During the reporting period Greece, Ireland and Romania informed the Tribunal that they had enacted implementing legislation enabling them to cooperate with the Tribunal, bringing to 23 the number of States that have enacted implementing legislation. A number of States have indicated that they do not require implementing legislation to carry out their responsibilities; these include the Russian Federation, the Republic of Korea, Singapore and Venezuela. In addition, several States have indicated that they intend to adopt implementing legislation shortly.

VII. ENFORCEMENT OF SENTENCES

188. Without preempting the outcome of the cases that are drawing to an end, an increased need has been anticipated for States that are willing to enforce the sentences of the Tribunal. During the reporting period two States concluded agreements with the United Nations on the enforcement of sentences. On 23 February 1999, Sweden signed an agreement, and an agreement was signed with Austria on 23 July 1999. In addition, an agreement with Spain was initialled on 18 June 1999. Thus far, a total of five States have signed agreements: Austria, Finland, Italy, Norway and Sweden.

189. Other States have indicated to either the Security Council, the Secretary-General or the President of the Tribunal, their willingness to enforce sentences of the Tribunal, although no agreement has yet been concluded. These States are Bosnia and Herzegovina, Croatia, Denmark, Germany, the Islamic Republic of Iran and Pakistan.

190. The President has adopted two Practice Directions relating to enforcement: a Practice Direction on the procedure for the Tribunal's designation of the State in which a convicted person is to serve his/her sentence of imprisonment; and a Practice Direction on the procedure for the determination of applications for pardon, commutation of sentence and early release of persons convicted by the Tribunal.

VIII. VOLUNTARY CONTRIBUTIONS

A. Cooperation of the host State

191. During the reporting period, the authorities of the Netherlands continued to provide excellent active support to the work of the Tribunal. Apart from the numerous forms of assistance rendered pursuant to the provisions of the Headquarters Agreement, the Government of the Netherlands made very substantial voluntary contributions to essential projects of the Tribunal.

192. In addition, the Netherlands Government, through the Minister of Development Cooperation, made a generous cash donation in support of the Tribunal's Victims and Witnesses Section. Other forms of cooperation and support provided by the Government of the Netherlands include the safety and security of both the premises of the Tribunal and its staff, the provision of detention facilities and prison guards through a lease agreement and the transportation and escort of detainees.

B. Gratis personnel provided by Governments or organizations

193. Until the end of 1998, the Tribunal continued to benefit from the essential services of type II gratis personnel with expertise in fields for which human resources are not readily available within the United Nations system.

194. On 15 September 1997, the General Assembly adopted resolution 51/243, requesting the Secretary-General to phase out expeditiously type II gratis personnel. To implement the resolution, the Tribunal allowed underlying agreements with donors of personnel to lapse in the course of 1998. As a result of this phase-out, it was originally planned that all gratis personnel would have left by 31 December 1998; however, in order to conclude satisfactorily the case in which he was a lead Prosecution counsel, the secondment agreement for one gratis Legal Officer was extended until 31 August 1999.

195. With the recent events in Kosovo requiring urgent action, the Secretary-General exceptionally approved a request by the Prosecutor to accept gratis personnel on a short-term basis not exceeding six months. Several States have entered into formal agreements with the United Nations to make national experts available to the Tribunal. The agreements followed a request by the Prosecutor, which was approved by the Secretary-General of the United Nations. Agreements were signed on 23 June 1999 by France (10 experts) and Canada (9 experts), on 24 June 1999 by the United Kingdom (15 experts) and Denmark (3 experts), on 25 June 1999 by Switzerland (4 experts), on 2 July 1999 by the United States (60 experts), by Sweden (13 experts) on 6 July 1999, by Belgium (20 experts), Germany (17 experts) and Austria (6 experts) on 23 July 1999 and by Iceland (3 experts) on 29 July 1999.

C. Monetary contributions and contributions in kind

196. In its resolution 47/235 of 14 September 1993, the General Assembly had invited Member States and other interested parties to make voluntary

contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

197. The Voluntary Fund has received approximately $17.5 million in contributions to the Tribunal's activities:

Contributor	Contribution (United States dollars)
Austria	108 574
Cambodia	5 000
Canada	1 253 138
Chile	5 000
Cyprus	2 000
Denmark	213 715
European Union/Carnegie Foundation	542 204
Germany	100 000
Hungary	2 000
Ireland	121 677
Israel	7 500
Italy	2 080 049
Liechtenstein	4 985
Luxembourg	194 128
Malaysia	2 500 000
Malta	1 500
Namibia	500
Netherlands	2 303 522
New Zealand	14 660
Norway	677 411
Pakistan	1 000 000
Portugal	10 000
Saudi Arabia	300 000
Slovenia	10 000
Spain	13 725
Sweden	461 610
Switzerland	433 515
United Kingdom	3 331 758
United States	2 057 356

198. The capacity of the Tribunal to carry out its mandate was enhanced throughout the period by several donations in kind, coordinated by the New Hampshire Criminal Justice Resource Center, including donations of cameras, computers, global positioning equipment and a pledge from the IBM Corporation of over US$ 1.3 million for computer equipment to be received during 1999. In addition, cash donations of $2.5 million and pledges totalling $12.09 million were received in the reporting period.

199. Of the total contributions received, $2.2 million was spent during the reporting period on exhumation of mass graves in Bosnia and Herzegovina and Croatia, mainly for personnel costs, travel, site demining and rental of morgue premises.

D. The European Commission

200. A significant contribution of the European Commission involved the donation of funds, through the offices of the Danish Rehabilitation and Research Centre for Torture Victims, to the Victims and Witnesses Unit (see para. 166 above).

201. The European Commission also made a substantial contribution to the Tribunal's library, helping it to accumulate a collection of the main sources of international and national law, as well as providing access to electronic information systems. The Carnegie Foundation, in cooperation with the Peace Palace Library and the T.M.C. Asser Institute, carried out this project.

202. Other projects by non-governmental organizations with European Commission support helped document war crimes in Bosnia and Herzegovina and raised public awareness of the work of the Tribunal within and outside the territory of the former Yugoslavia.

IX. COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

203. During the reporting period, contacts on all levels between the Tribunals have further intensified, including travel by staff members of the Tribunal to Arusha and Kigali, and vice versa. Among these, a visit of 10 days in February 1999 was made to both Arusha and Kigali by the Chief Administrative Officer, the Coordinator of the Court Management and Support Services and the Deputy Chief of the Translation and Conference Services of the Tribunal, to exchange views on the interpretation and court reporting systems, and the translation of official documents, as well as to coordinate the filing and processing of court documents, particularly regarding the common Appeals Chamber's work. Ongoing cooperation in other administrative areas was also discussed.

204. Furthermore, in May 1999, the Registrar of the Rwanda Tribunal, Mr. Agwu Okali, and the Coordinator of the Victims and Witnesses Section of that Tribunal visited their counterparts at the seat of the Yugoslavia Tribunal at The Hague. Discussions took place on the further development of cooperation in the main areas of court management, including witness protection, and the

establishment of a small Appeals Chambers support section at The Hague, which would assist the common Appeals Chamber in handling the increasing number of appeals coming from the Rwanda Tribunal. Also discussed was the possibility of future joint requests for donations, like the one received during the reporting period from the European Union to promote closer links between the witness protection sections. In this respect, it has become clear during the current year that it is necessary to establish a satellite link between the two Tribunals to overcome the serious problems of telephone and facsimile communications. Such a system could also enable the Tribunals to set up a video link. A follow-up visit of the Deputy-Registrar of the International Criminal Tribunal for Rwanda, Mrs. Beverly Baker-Kelly, and the Head of the Press and Public Affairs Unit took place in July 1999.

X. CONCLUSION

A. Introduction

205. The reporting period marked the establishment of the Tribunal as a fully operational international criminal court. With procedures for ensuring fair trials for the accused, while protecting the rights of victims and witnesses, the Tribunal dispenses justice and plays an important role in bringing about reconciliation to the former Yugoslavia. Notwithstanding periodic setbacks resulting from obstructionism by some States, the Tribunal continued to achieve tangible results.

B. The Tribunal's development

206. The development of the Tribunal may be measured on three distinct levels. First, from an operational point of view, the Tribunal has exceeded its creators' expectations. From little more than the first judges and their ideas on how to proceed, the Tribunal is now regularly holding trials and appellate proceedings. The Tribunal's decisions on both procedural and substantive matters are on the cutting edge of the development of international humanitarian law. Many of the legal issues adjudicated by the Tribunal either have never been dealt with before, or have been dormant since the end of the Second World War.

207. Secondly, the experience of the Tribunal has laid the foundation for the establishment of a practical and permanent system of international criminal justice. The Tribunal has demonstrated that it is possible to dispense international justice from a court located hundreds of kilometres from the scene of the crimes. It issues arrest warrants, which are executed by States or SFOR, resulting in the transfer to The Hague of those indicted for serious violations of international humanitarian law. The Tribunal provides these accused with fair and expeditious trials, while ensuring protection for the victims and witnesses. While this system is not perfect, given the lack of the Tribunal's enforcement powers, its experience has certainly contributed to the successful conclusion of the Rome Statute of the International Criminal Court.

208. Thirdly, the Tribunal is slowly beginning to have an impact on the former Yugoslavia. While no court of law can stop a war, the Tribunal is helping to demonstrate that the rule of law is indispensable to lasting peace and is the foundation for a just society. By building trust among the population and confidence in State institutions, the Tribunal is contributing to the emergence of a vigorous civil society throughout the region. This is a gradual process but it will ultimately yield results if properly supported. The Tribunal's contribution can only properly be realized and assessed in the long term.

C. Towards a vigorous renewal of commitment

209. The tragedy in Kosovo indicates the dangers of allowing the Tribunal's relative success to obscure reality. That such a cataclysm could occur at the very end of the twentieth century, a century characterized as much by the spilling of blood as by innovation and development, must call into question some of the assumptions that have been made about the recent advances in the protection of human rights and the redress of their abuse. Although the Tribunal has made significant progress in fulfilling its mandate, there are significant hurdles to be overcome. Political interest continues to ensure that atrocity followed by impunity persists as the norm. The Tribunal and its sister court the International Criminal Tribunal for Rwanda remain the exception and have only partially succeeded. The Tribunal cannot overcome these obstacles without the full and unconditional support of the entire world community. It must be demonstrated that serious violations of humanitarian law are unacceptable and that the perpetrators are the real obstacles to peace and prosperity in the region. The international community must remain united and focused in combating obstructionism, whether from certain States or from individuals within those States.

210. The Tribunal depends upon the international community to ensure that its mandate is fulfilled. Events in Kosovo demonstrate the need for continued vigilance in deterring and confronting those who would kill individuals and destroy entire communities simply because the inhabitants are from a different race, ethnicity or religion. To do so, the Tribunal needs the continuing and increased support of the States that created it. Extra resources will continue to be required to investigate and prosecute those responsible for the grave crimes that have been perpetrated in Kosovo. Moreover, it is essential that the international community lives up to its commitments to the Tribunal: if the Government of the Federal Republic of Yugoslavia is unwilling to do so, KFOR must assist the Prosecutor in investigating crimes and ultimately arrest those indicted by the Tribunal. It is hoped that the encouragingly proactive stance that the KFOR and other international actors have taken with respect to the Tribunal in the first weeks of peace implementation in Kosovo will continue for as long as is necessary.

211. It is equally essential that the efforts remain focused on the effects of this decade's previous conflicts in the former Yugoslavia. Thus, while the Republika Srpska persists in its disregard for the rule of law, it is hoped that SFOR will continue to detain indictees. Moreover, the international community must utilize all available means to address and alter the attitude of the Government of the Republic of Croatia. The behaviour of both sets of

authorities is a continuing affront to those institutions and States that are responsible for safeguarding the truly international order that is slowly developing.

212. As a creation of the Security Council, the Tribunal plays an important role in maintaining international peace and security in the former Yugoslavia, by assisting with the establishment of civil society, under the rule of law, which is necessary to bring about lasting peace. In the wake of the conflict in Kosovo, now is not the time for the international community to become complacent about the important role it plays in stabilizing the region and ending the conflict. On the contrary, now is the time to redouble our efforts, so that past successes and future potential will not be squandered.

Notes

[1] The Čelebići trial was conducted before Trial Chamber IIquater, which was disbanded following the completion of the trial. The Furundžija trial was conducted before Trial Chamber II. The Aleksovski trial was conducted before Trial Chamber Ibis.

[2] Prosecutor v. Delalić and Others (IT-96-21-T) with four accused: Delalić, Mucić, Delić and Landžo.

[3] Prosecutor v. Furundžija (IT-95-17/1-T) with one accused: Furundžija.

[4] Prosecutor v. Aleksovski (IT-95-14/1-T) with one accused: Aleksovski.

[5] Prosecutor v. Kupreškić and Others (IT-95-16-T) with six accused: Z. Kupreškić, M. Kupreškić, Josipović, Papić, Šantić and V. Kupreškić.

[6] Prosecutor v. Kordić and Others (IT-95-14/2-T) with two accused: Kordić and Čerkez.

[7] Prosecutor v. Jelisić (IT-95-10-T) with one accused: Jelisić.

[8] Prosecutor v. Blaškić (IT-95-14-T) with one accused: Blaškić.

[9] Prosecutor v. Simić and Others (IT-95-9-PT) with four accused: Simić, Tadić, Zarić and Todorovic.

[10] Prosecutor v. Kvočka (IT-98-30-PT) with four accused: Kvočka, Radić, Žigić and Kos.

[11] Prosecutor v. Kunarac (IT-96-23-PT) with one accused: Kunarac.

[12] Prosecutor v. Krnojelac (IT-97-25-PT) with one accused: Krnojelac.

[13] Prosecutor v. Krstić (IT-98-33-PT) with one accused: Krstić.

[14] Prosecutor v. Kolundžija (IT-95-8-PT) with one accused: Kolundžija.

[15] Prosecutor v. Brđanin (IT-99-37-PT) with one accused: Brđanin.

[16] Prosecutor v. Kovačević (IT-97-24-T) with one accused: Kovačević.

[17] In December 1997, the indictment was withdrawn in respect of two other accused persons.

[18] Up until November 1998, the Kordić and Čerkez case was before Trial Chamber I. However, with the establishment of the new Trial Chamber III, the case was transferred to that Chamber.

[19] Up until December 1998, Trial Chamber I was seized of the Simić and Others case. With the establishment of a third Trial Chamber, the case was transferred to Trial Chamber III.

[20] Trial Chamber I was seized of the case up until November 1998. With the establishment of a third Trial Chamber, the case was transferred to Trial Chamber III.

[21] Prosecutor v. Delalić and Others (IT-96-21-A) with three convicted persons: Mucić, Delić and Landžo; and one acquitted person: Delalić.

[22] Prosecutor v. Furundžija (IT-95-17/1-A) with one convicted person: Furundžija.

[23] Prosecutor v. Aleksovski (IT-95-14/1-A) with one convicted person: Aleksovski.

[24] Prosecutor v. Tadić (IT-94-1-A) with one convicted person: Tadić.

[25] Declaration of the House of Representatives of the Croatian National Parliament on Priorities in the Republic of Croatia's Foreign Policy, 5 March 1999, cited as "Class 004-01/99-01/03" (unofficial translation).

[26] "Croatia PM says no generals will be sent to The Hague", Reuters news report, 23 March 1999; "Croatian Gens. Won't Go to Tribunal", Associated Press report, 23 March 1999.

[27] Reported in Jutarnji List, p. 2, 23 March 1999 (unofficial translation).

[28] Excerpt from a report on HRTI TV, 22 March 1999 (unofficial translation).

[29] HINA News Agency report, 2 February 1999 (unofficial translation).

[30] The impasse has been caused by the failure to appoint a government following elections in 1998, and the dismissal of President Nikola Poplašen for obstructing the implementation of the Dayton Agreement.

[31] Italy signed on 6 February 1997, Finland on 7 May 1997 and Norway on 24 April 1998. Austria became the fifth Member State to sign an Agreement on 23 July 1999.

ANNEX I

International Tribunal for the Former Yugoslavia:
25 public indictments; 65 indictees

4/11/94 **NIKOLIĆ ("SUŠICA CAMP")**

IT-94-2 Dragan Nikolić: g., v., c *

MEAKIĆ & OTHERS ("OMARSKA CAMP")

13/2/95, latest amendment 2/6/98.

IT-95-4 Željko Meakić : g., v., gen., c.

" Dragoljub Prcač : g., v., c.

" Momčilo Gruban : g., v., c.

" **Dušan Knežević** : g., v., c.

□ See also "Keraterm camp" (21/7/95)

TADIĆ & BOROVNICA ("PRIJEDOR")

13/2/95, latest amendment 14/12/95.

IT-94-1 Duško Tadić : g., v., c.

IT-94-3 Goran Borovnica : g., v., c.

SIKIRICA & OTHERS ("KERATERM CAMP")

21/7/95, latest amendment 21/7/98

IT-95-8 Duško Sikirica : g., v., gen., c.

" Damir Došen : g., v., c.

" Dragan Fuštar : g., v., c.

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* For the abbreviations, see the key at the end of the annex.

IT-95-8 Dragan Kolundžija : g., v., c.

" Nenad Banović : g., v., c.

" Predrag Banović : g., v., c.

" **Dušan Knežević** : g., v., c.

□ See also "Omarska camp" (13/2/95)

SIMIĆ & OTHERS ("BOSANSKI ŠAMAC")

21/7/95, latest amendment 11/12/98.

IT-95-9 Blagoje Simić : g., c.

" Milan Simić : g., v., c.

" Miroslav Tadić : g., c.

" Simo Zarić : g., c.

" Stevan Todorović : g., v., c.

JELISIĆ & ČEŠIĆ ("BRČKO")

21/7/95, latest amendment 19/10/98.

IT-95-10 Goran Jelisić : v., gen., c.

" Ranko Češić : v., c.

25/7/95 **MARTIĆ ("ZAGREB BOMBING")**

IT-95-11 Milan Martić : v.

25/7/95 **KARADŽIĆ AND MLADIĆ ("BOSNIA AND HERZEGOVINA")**

IT-95-5 **Radovan Karadžić** : g., v., gen., c. See also "Srebrenica" (16/11/95)

" **Ratko Mladić** : g., v., gen., c. " "

29/8/95 **RAJIĆ ("STUPNI DO")**

IT-95-12 Ivica Rajić : g., v.

MRKŠIĆ & OTHERS ("VUKOVAR")

7/11/95, latest amendment 2/12/97.

IT-95-13a Mile Mrkšić : g., v., c.

" Miroslav Radić : g., v., c.

" Veselin Šljivančanin : g., v., c.

BLAŠKIĆ ("LAŠVA VALLEY")

10/11/95, latest amendment (corrigendum) 16/3/99.

IT-95-14 Tihomir Blaskić : g., v., c.

10/11/95 **KORDIĆ & OTHERS ("LAŠVA VALLEY")**

IT-95-14/1 Zlatko Aleksovski : g., v.

latest amendment 30/9/98:

IT-95-14/2 Dario Kordić : g., v., c.

" Mario Čerkez : g., v., c.

MARINIĆ ("LAŠVA VALLEY"),

10/11/95, kept confidential until its unsealing on 27/6/96.

IT-95-15 Zoran Marinić : g., v.

KUPREŠKIĆ & OTHERS ("LAŠVA VALLEY"),

10/11/95, latest amendment 9/2/98.

IT-95-16 Zoran Kupreškić : g., v.

" Mirjan Kupreškić : g., v.

" Vlatko Kupreškić : g., v.

" Vladimir Šantić : g., v.

" Drago Josipović : g., v.

" Dragan Papić : g., v.

FURUNDŽIJA ("LAŠVA VALLEY")

10/11/95, kept confidential until unsealing on 18/12/97, latest amendment 2/6/98.

IT-95-17/1 Anto Furundžija : v.

16/11/95 **KARADŽIĆ & MLADIĆ ("SREBRENICA")**

IT-95-18 **Radovan Karadžić** : v., gen., c. See also "Karadžić and Mladić" (25/7/95)

" **Ratko Mladić** : v., gen., c. " "

DELALIĆ & OTHERS ("ČELEBIĆI")

21/3/96, latest amendment 19/1/98

IT-96-21 Zejnil Delalić : g., v.

" Zdravko Mucić : g., v.

" Hazim Delić : g., v.

" Esad Landžo : g., v.

GAGOVIĆ & OTHERS ("FOČA")

26/6/96, latest amendment 19/8/98.

IT-96-23 Gojko Janković : g., v., c.

" Janko Janjić : g., v., c.

" Radomir Kovač : c.

" Zoran Vuković : g., v., c.

" Dragan Zelenović : g., v., c.

" Dragoljub Kunarac : v., c., *latest amendment 19/8/98.*

" Radovan Stanković : g., v., c.

KRNOJELAC ("FOČA")

17/6/97, kept confidential until unsealing on 15/6/98.

IT-97-25 Milorad Krnojelac: g., v., c.

ŽELJKO RAŽNJATOVIĆ ("ARKAN")

30/9/97, the existence of the indictment was made public on 31 March 1999, but the document remains under seal until the accused is arrested.

IT-97-27 Željko Ražnjatović

KRSTIĆ ("SREBRENICA")

2/11/98, kept confidential until its unsealing on 2/12/98, latest amendment on 7/12/98.

IT-98-33 Radislav Krstić: gen., v., c.

9/11/98 **KVOČKA & OTHERS ("OMARSKA & KERATERM CAMPS")**

IT-98-30 Miroslav Kvočka : v., c.

" Mlado Radić : v., c.

" Milojica Kos : v., c.

" Zoran Žigić : v., c.

/...

21/12/98 **NALETILIĆ & MARTINOVIĆ ("TUTA & ŠTELA")**

IT-98-34 Mladen Naletilić: g., v., c.

" Vinko Martinović: g., v., c.

BRĐANIN ("KRAJINA")

14/3/99, kept confidential until unsealing on 6/7/99.

IT-99-36-I Radoslav Brđanin: c.

MILOŠEVIĆ AND OTHERS ("KOSOVO")

24/5/99, kept confidential until unsealing on 27/5/99.

IT-99-37 Slobodan Milošević: c., v.

" Milan Milutinović: c., v.

" Nikola Šainović: c., v.

" Dragoljub Ojdanić: c., v.

" Vlajko Stojiljković: c., v.

KEY

g. :	Grave breaches of the 1949 Geneva Conventions (Article 2 of the Statute of the Tribunal)
v. :	Violations of the laws or customs of war (Article 3)
gen. :	Genocide (Article 4)
c. :	Crimes against humanity (Article 5)
underlined :	and/or superior responsibility (Article 7(3))
bold :	indicted in two different indictments

The cases of the above mentioned indictees are at different stages: 35 accused remain at large (see annex III), 30 accused or convicted persons are currently in proceedings before the Tribunal (see annex II).

ANNEX II

List of persons detained at the United Nations Detention Unit: 28 in custody

ARRESTS (4)	DETENTION BY INTERNATIONAL FORCES (11)	VOLUNTARY SURRENDERS (13)
Duško TADIĆ *Tadić* case (IT-94-1-A) Date of arrest: 12/2/94 (Munich, Germany) Initial appearance: 26/4/95 Judgement: 7/5/97 Sentence: 14/7/97, 20 years imprisonment Judgement on appeal: 15/7/99 (sentence on appeal yet to be considered)	Anto FURUNDŽIJA *Furundžija* case (IT-95-17/1-A) Date of detention by SFOR: 18/12/97 Initial appearance: 19/12/97 Judgement: 10/12/98 Sentence: 10 years imprisonment	Tihomir BLAŠKIĆ *Blaškić* case (IT-95-14-T) Date of voluntary surrender: 1/4/96 Initial appearance: 3/4/96
Zdravko MUCIĆ *Delalić & others* case (IT-96-21-A) Date of arrest: 18/3/96 (Vienna, Austria) Initial appearance: 11/4/96 Judgement: 16/11/98 Sentence: 7 years imprisonment	Vlatko KUPREŠKIĆ *Kupreškić & others* case (IT-95-16-T) Date of detention by SFOR: 18/12/97 Initial appearance: 16/1/98	Dario KORDIĆ *Kordić & Čerkez* case (IT-95-14/2-T) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97
Hazim DELIĆ *Delalić & others* case (IT-96-21-A) Date of arrest: 2/5/96 in Bosnia and Herzegovina Initial appearance: 18/6/96 Judgement: 16/11/98 Sentence: 20 years imprisonment	Goran JELISIĆ *Jelisić* case (IT-95-10-T) Date of detention by SFOR: 22/1/98 (Bijeljina, Bosnia and Herzegovina) Initial appearance: 26/1/98	Mario ČERKEZ *Kordić & Čerkez* case (IT-95-14/2-T) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97

Esad LANDŽO *Delalić & others* case (IT-96-21-A) Date of arrest: 2/5/96 in Bosnia and Herzegovina Initial appearance: 18/6/96 Judgement: 16/11/98 Sentence: 15 years imprisonment	Miroslav KVOČKA *Kvočka & others* case (IT-98-30-PT) Date of detention by SFOR: 8/4/98 Initial appearance: 14/4/98	Zoran KUPREŠKIĆ *Kupreškić & others* case (IT-95-16-T) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97
	Mladen RADIĆ *Kvočka & others* case (IT-98-30-PT) Date of detention by SFOR: 8/4/98 Initial appearance: 14/4/98	Mirjan KUPREŠKIĆ *Kupreškić & others* case (IT-95-16-T) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97
	Milojica KOS *Kvočka & others* case (IT-98-30-PT) Date of detention by SFOR: 28/5/98 Initial appearance: 2/6/98	Vladimir ŠANTIĆ *Kupreškić & others* case (IT-95-16-T) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97
	Milorad KRNOJELAC *Krnojelac* case (IT-97-25-PT) Date of detention by SFOR: 15/6/98 Initial appearance: 18/6/98	Drago JOSIPOVIĆ *Kupreškić & others* case (IT-95-16-T) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97

LIST OF PERSONS DETAINED AT THE UN DETENTION UNIT *(cont.)*:		
ARRESTS	DETENTION BY INTERNATIONAL FORCES	VOLUNTARY SURRENDERS
	Stevan TODOROVIĆ Simić & others case (IT-95-9-PT) Date of detention by SFOR: 27/9/98 Initial appearance: 30/9/98	Dragan PAPIĆ Kupreškić & others case (IT-95-16-T) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97
	Radislav KRSTIĆ *Krstić* case (IT-98-33-PT) Date of detention by SFOR: 2/12/98 Initial appearance: 7/12/98	Miroslav TADIĆ *Simić & others* case (IT-95-9-PT) Date of voluntary surrender: 14/2/98 Initial appearance: 17/2/98
	Dragan KOLUNDŽIJA Sikirica & others case (IT-95-8-PT) Date of detention by SFOR: 7/6/99 Initial appearance: 14/6/99	Simo ZARIĆ *Simić & others* case (IT-95-9-PT) Date of voluntary surrender: 24/2/98 Initial appearance: 26/2/98
	Radoslav BRĐANIN *Brđanin* case (IT-99-36-PT) Date of detention by SFOR: 6/7/99 Initial appearance: 12/7/99	Dragoljub KUNARAC *Kunarac* case (IT-96-23-PT) Date of voluntary surrender: 4/3/98 Initial appearance: 9/3/98

		Milan SIMIĆ Simić and Others case (IT-95-9-PT) Date of voluntary surrender: 14/2/98 Initial appearance: 17/2/98
		Zoran ŽIGIĆ *Kvočka & others* case (IT-98-30-PT) Date of voluntary surrender: 16/4/98 Initial appearance: 20/4/98

Note:

Zejnil Delalić (Delalić & Others case (IT-96-21-A)) and Zlatko Aleksovski (Aleksovski case (IT-95-14/2-A) were released from the UN Detention Unit, and are not detained pending their appeals.

ANNEX III

Individuals indicted publicly by the International Tribunal who remain at large

Name of Indictee	Date of Indictment	Believed Residing In
Dragan Nikolić	4/11/94	B.H. (Republika Srpska)/F.R.Y.
Željko Meakić	13/2/95	B.H. (Republika Srpska)
Dragoljub Prcač	13/2/95	B.H. (Republika Srpska)
Momčilo Gruban	13/2/95	B.H. (Republika Srpska)
Dušan Knežević	13/2/95, 21/7/95	B.H. (Republika Srpska)
Goran Borovnica	13/2/95	B.H. (Republika Srpska)
Duško Sikirica	21/7/95	B.H. (Republika Srpska)
Damir Došen	21/7/95	B.H. (Republika Srpska)
Dragan Fuštar	21/7/95	B.H. (Republika Srpska)
Nenad Banović	21/7/95	B.H. (Republika Srpska)
Predrag Banović	21/7/95	B.H. (Republika Srpska)
Blagoje Simić	21/7/95	B.H. (Republika Srpska)/F.R.Y.
Ranko Češić	21/7/95	B.H. (Republika Srpska)/F.R.Y.
Milan Martić	25/7/95	B.H. (Republika Srpska)
Radovan Karadžić	25/7/95, 16/11/95	B.H. (Republika Srpska)
Ratko Mladić	25/7/95, 16/11/95	B.H. (Republika Srpska)/F.R.Y.
Ivica Rajić	29/8/95	Unknown
Mile Mrkšić	7/11/95	F.R.Y.
Miroslav Radić	7/11/95	F.R.Y.
Veselin Šljivančanin	7/11/95	F.R.Y.
Zoran Marinić	10/11/95	B.H. (Republika Srpska)
Gojko Janković	26/6/96	B.H. (Republika Srpska, Foča)
Janko Janjić	26/6/96	B.H. (Republika Srpska, Foča)
Radomir Kovač	26/6/96	B.H. (Republika Srpska, Foča)
Zoran Vuković	26/6/96	B.H. (Republika Srpska, Foča)
Dragan Zelenović	26/6/96	B.H. (Republika Srpska, Foča)

Radovan Stanković	26/6/96	B.H. (Republika Srpska)
Željko Ražnjatović	30/9/97	F.R.Y.
Mladen Naletilić	21/12/98	Republic of Croatia
Vinko Martinović	21/12/98	Republic of Croatia
Slobodan Milošević	24/5/99	F.R.Y.
Milan Milutinović	24/5/99	F.R.Y.
Nikola Šainović	24/5/99	F.R.Y.
Dragoljub Ojdanić	24/5/99	F.R.Y.
Vlajko Stojiljković	24/5/99	F.R.Y.

BH: Bosnia and Herzegovina

FRY: Federal Republic of Yugoslavia (Serbia and Montenegro)